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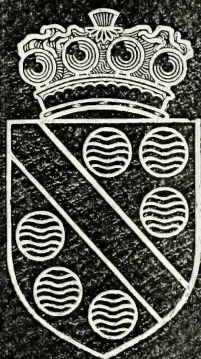


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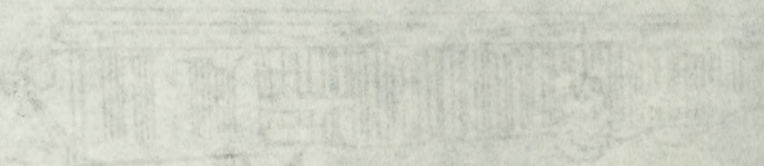








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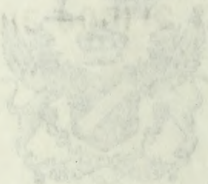




*Hawkesbury*  
*Kirkham Abbey*  
*- 8 October 1902 -*

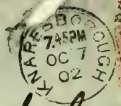
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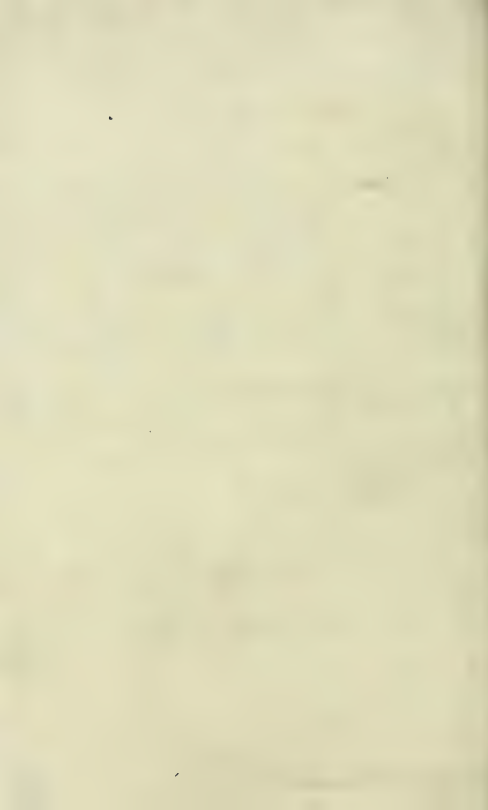


The Lord Hawkesbury  
Kirkham Abbey  
York.



Lord Hawkesbury,  
with Lord Monbray & Stuarton's compliments.  
A.D. 1902.

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STATION, ALLERTON,  
TELEGRAMS, GOLDSBORO.

710/702

ALLERTON PARK,  
KNARESBOROUGH,  
YORKSHIRE.

Dear Lord Hawkesbury,  
in answer to your letter  
of the 30<sup>th</sup> ult., I beg to say  
that I shall be glad to  
present to you a copy of  
the History of my Family.  
To a considerable extent share  
your interest in Genealogy  
and Family History, as possi-  
bly you would guess on  
seeing the book.  
Yes, I still have (and value

very highly! Mr. Case's beautiful M.S. book of pedigrees. It was never completed, for he was obliged by impaired health and old age to give up working at it.

My Father used often to mention Mr. "Frank Foljam" who was I suppose one of the greatest friends he ever had.

The "History of the Noble  
House of Howerton" (2 volumes)  
goes by passenger train today,  
addressed similarly to this  
letter and I hope to hear  
from you of its safe arrival  
in due course.

Believe me to be sincerely  
yours

Mowbray & Howerton





19/12/1902

ALLERTON PARK,  
KNARESBOROUGH,  
YORKSHIRE.

Dear Lord Hawkesbury,  
Many thanks for your  
letter and kind present  
of the three books, all safe-  
ly to hand this morning.  
I am leaving home today  
for a few days, but am  
looking forward to their  
perusal on my return.  
It is just possible that  
I might find the coat of

arms that you refer to  
in Mr. Fose's M.S. book of  
pedigrees when I have time  
to refer to it.

If so I will not fail to  
let you know.

I am so pleased that you  
like my Book on better  
acquaintance, and am yours,  
very sincerely

Norbury & Fourton

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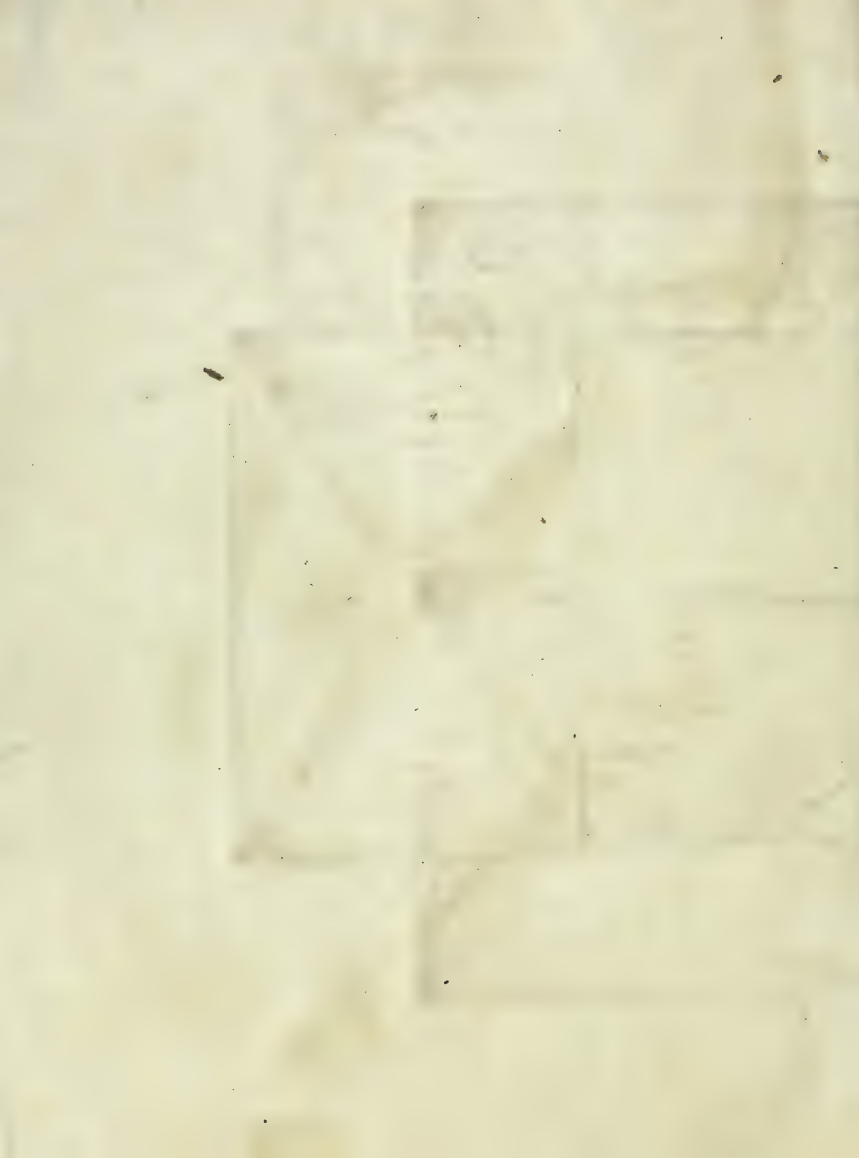


The death occurred on Good Friday at Brighton of CAPTAIN WILLIAM FRANCIS SEGRAVE, late 1st Highlanders. He entered the Army in 1845, became a lieutenant in 1847, and captain in 1854. He served in the Crimea during the Russian war; in India during the Mutiny in 1858-59; and in the campaign against the Hill tribes on the North-West Frontier of India in 1882. He retired in 1865. Captain Segrave was appointed H.B.M. Consul at Réunion in 1867, at Stockholm in 1872, at Nantes in 1879, at Baltimore in 1887, and retired from the Consular service in September, 1895.

A Reuter telegram from New York, dated April 14, says:—"The death is announced of Mr. THOMAS WATERMAN WOOD, the well-known American artist. Deceased, who had studied art in Europe, was principally known as a painter of portraits and figures." Mr. Wood was born in Montpelier, Vt., on November 12, 1823. He studied portrait painting in Boston, and, leaving America in 1858, spent two years in the art galleries of

*The Lord Chamberlain  
Leicester Abbey  
York*









*Portrait of Mrs. J. H. [illegible] 1885*  
*Seated with her children*  
*at her home in [illegible]*



THE HISTORY  
OF  
THE NOBLE HOUSE OF STOURTON,  
OF STOURTON, IN THE COUNTY OF WILTS.

Compiled from Original Official Documents, and Other  
Additional Sources, under the Instructions  
and Supervision of

CHARLES BOTOLPH JOSEPH, LORD MOWBRAY, SEGRAVE AND STOURTON.

V 2  
VOL. II.

PRIVATELY PRINTED.  
ELLIOT STOCK, 62, PATERNOSTER ROW, LONDON.  
1899.

THE INSTITUTE OF AMERICAN GENEALOGY  
407 South Dearborn Street  
CHICAGO, ILL.

*One Hundred Copies only of this  
book have been printed of which  
this Copy is number 68.*

*Moncrieff & Sturton*

1940304

The Right Honourable Charles Philip, seventeenth Baron, and Lord Stourton of Stourton, Co. Wilts., in the Peerage of England, was the only son and heir of William, sixteenth Lord Stourton, by his wife Winifred, elder daughter of Philip Howard, Esquire, of Buckenham, Co. Norfolk, by his first wife Winifreda, eldest daughter of Thomas Stonor, Esquire, of Stonor and Watlington, Co. Oxon, and succeeded on the death of his father, October the 3rd, 1781.

Lord Stourton was born August the 22nd, 1752. As a Papist, he never sat in Parliament. On the 30th of October, 1781, Letters of Administration to the personal estate of his father, William, 16th Lord Stourton, "widower, deceased," who had died intestate, were granted to Charles Philip, Lord Stourton, as natural and lawful son of the deceased. It is curious to note that Charles Philip and his sisters were the first members of the Stourton family to possess more than one Christian name.

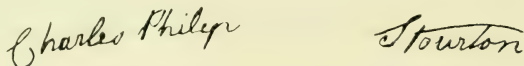
As "The Honourable Charles Philip Stourton," Lord Stourton married, on July the 12th, 1775, at Holme, Co. York, the Honourable Mary Langdale, second surviving daughter and co-heir (but eventually sole heir) of the Right Honourable Marmaduke (Langdale), fifth and last Baron Langdale of Holme-on-Spalding Moor,



*The Arms of Stourton, and in pretence those of Langdale, namely "sable, a chevron between three estoiles argent."*

by his wife Constantia, daughter of Sir John Smythe, third Baronet, of Acton Burnell (by his wife Constantia, daughter of George Blount, Esquire, of Sodington). Amongst the witnesses to the marriage were the Honourable "Elizabeth Langdale" and the

Honourable "Apollonia Langdale." These were her sisters and co-heirs. The former and elder married Robert Butler, of Ballyragget, but died without issue. The latter and youngest daughter married, May the 2nd, 1780, the Rt. Hon. Henry Edward Hugh, 5th Lord Clifford of Chudleigh, but died without issue December the 31st, 1815, aged 60. In addition to the three surviving daughters, Lord Langdale had also had two elder children, namely, a son, Marmaduke, who died young, and a daughter, Constantia, who also died young, and was buried at Richmond, Surrey. The original deed of the marriage settlement executed prior to the marriage of the Hon. Charles Philip Stourton and the Hon. Mary Langdale, which is now in the possession of Lord Mowbray and Stourton, bears (*inter alia*) the signatures of Lord Langdale, the 16th Lord Stourton, and the Hon. Charles Philip Stourton. The signature of the 16th Lord Stourton, taken from this document, is reproduced on page 561, and a facsimile reproduction of the signature on the same deed of the 17th Lord Stourton, as "Charles Philip Stourton," is given hereunder, though in this instance the Christian names were separated from the surname by the impression of a seal :

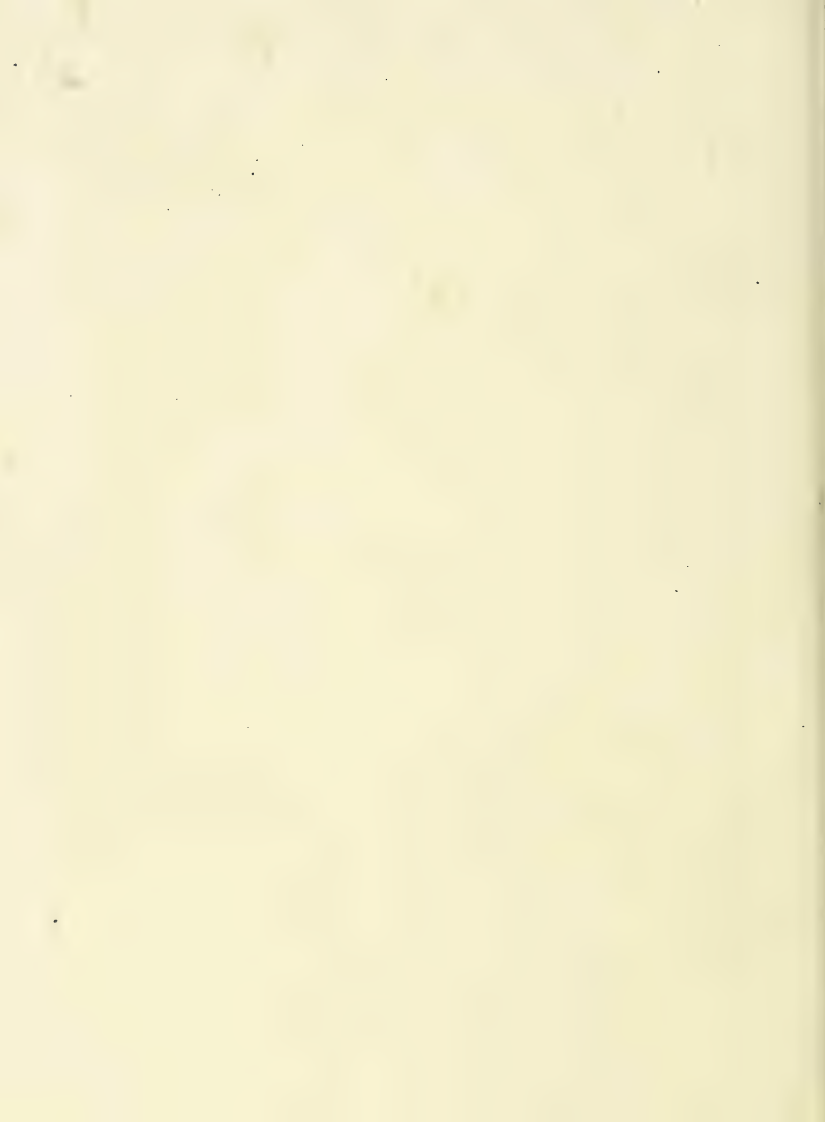


The marriage settlement was made by indenture of the 3rd of July, 1775, between William, Lord Stourton, of Stourton, Co. Wilts., of the first part ; Charles Philip Stourton, only son and heir apparent of William, Lord Stourton, by Winifred, his late wife deceased, theretofore Winifred Howard, spinster, the only daughter of Philip Howard, of Buckenham, Norfolk, Esquire, deceased, by his first wife, Winifred Stonor, deceased, daughter of Thomas Stonor, of Stonor, Oxford, Esquire, of the second part ; Marmaduke, Lord Langdale, of Holme on Spalding Moor, Co. York, and Constantia, Lady Langdale, his wife, theretofore Constantia Smythe, spinster, of the third part ; Mary Langdale, spinster, the second of the three daughters of the said Marmaduke, Lord Langdale, by Constantia, Lady Langdale, of the fourth part ; Henriettie Howard, of South Audley Street, widow of Philip Howard, of Buckenham, Norfolk, Esquire, and sole executrix named in his will, of the fifth part ; Charles Stonor, of Stonor, Co. Oxford, Esquire, son and sole executor named in the will of Thomas Stonor, deceased, theretofore of Watlington Park, Co. Oxford, but afterwards of Stonor aforesaid, and late of the city of Winchester, who survived Philip Southcote,\* late of Wooburn Farm, Co. Surrey, Esquire, deceased, of the sixth part ;

\* Witham Place, Essex, was held by Lord Stourton under a building lease granted by the Southcote family.



Miss Elizabeth W. W. W.  
 Boston, Mass.  
 1850



Robert Edward, Lord Petre, of Writtle, Co. Essex, Thomas Clifford, of Tixall, Co. Stafford, and Henry Hoare, of Stourhead, Co. Wilts., Esquire, of the seventh part; William Haggerston Constable, of Everingham, Co. York, Esquire, of the eighth part; and John Madocks, of Lincoln's Inn, Middlesex, Esquire, and John Tempest, the younger, of Winyard, in the County Palatine of Durham, Esquire, of the ninth part. After reciting the indenture of the 29th of August, 1749, articles of agreement of the same date, articles of agreement dated the 10th of October, 1749, and the deed poll of the 20th of June, 1759, endorsed on the articles of agreement of the 29th of August, 1749, it was agreed, in consideration of a marriage then intended to be had and solemnised by and between Charles Philip Stourton and Mary Langdale, who both had attained their respective ages of 21 years, by and with the consent and approbation of William, Lord Stourton, Marmaduke, Lord Langdale, and Constantia, Lady Langdale, that the said manor, lands, rectory, tithes, and hereditaments, in Co. Essex, so purchased by William, Lord Stourton, from Henry Hoare, with certain moneys then invested as therein specified, and other premises were limited, declared, and agreed to be held upon trust in lieu and full satisfaction of all provisions which had been made for Charles Philip Stourton, and his issue, in some of the recited deeds.\*

At the death of his uncle, Edward Howard, on February the 7th, 1767, Lord Stourton inherited the whole of the vast number of quarterings which had accrued to the House of Howard, which must therefore be added to those mentioned on pages 544 and 545. As mentioned on page 543, no attempt has been made to officially prove or record these, but amongst the 304 which preface the 1879 pedigree, the following (numbers 26 to 189) are attributed to the representation of the Howard family. It seems certain, however, that there must be very many more. They are as follows: 26. Howard; 27. Fitton; 28. Cornwall; 29. Bosco, or Bois; 30. Scales; 31. Ufford; 32. Valoignes; 33. Creke; 34. Glanville; 35. Blund; 36. Norwich; 37. Tendring; 38. Mylde; 39. Mowbray; 40. Beauchamp of Bedford; 41. Broase of Gower; 42. Broase (ancient); 43. Milo, Earl of Hereford; 44. Baalun; 45. Newmarche; 46. Haia, or St. Valerie; 47. Ap Meredith; 48. Segrave; 49. Segrave (ancient); 50. Chaucombe; 51. Plantagenet of Brotherton; 52. FitzAlan; 53. Clun; 54. Albin; 55. St. Sidonia; 56. Earls of Chester; 57. Lupus; 58. Earls of Mercia; 59. Warrenne; 60. Hamlyn Plantagenet; 61. Marischall, Earls of Pembroke; 62. Marischall (ancient); 63. Clare (Strongbow), Earl Pembroke; 64. Clare, Earls of Pembroke; 65. Clare, Earls of Hertford; 66. Gifford, Earls of Buckingham; 67. MacMurrough, King of Leinster; 68. Tylney; 69. Ros of Ringborough; 70. Rochford; 71. Thorpe; 72. Thorpe (ancient); 73. Creke;

\* This deed was adduced in evidence in Lord Stourton's Peerage Claim.

74. Glanville; 75. Baynard; 76. Rosceline; 77. Northwode; 78. Aspale; 79. John d'Arundel; 80. FitzAlan; 81. Clun; 82. Albini; 83. Chester; 84. Mercia, Earls of; 85. Warrenne; 86. Marischall, Earls of Pembroke; 87. Clare, Earls of Pembroke; 88. Clare, Earls of Clare; 89. Gifford, Earls of Buckingham; 90. St. Hillarie; 91. MacMurrough, King of Leinster; 92. Maltravers; 93. Widville, Earl of Rivers; 94. Bathgate; 95. Dacres; 96. Multon; 97. Morville; 98. Engaine; 99. D'Estivers; 100. Vaux of Gillesland; 101. Greystoke; 102. Greystoke (ancient); 103. Deira; 104. Bolbeck; 105. Montfichet; 106. Ferrers of Wem; 107. Ferrers of Chartley, Earls Ferrers; 108. Peverell of Nottingham; 109. Earls of Chester; 110. Mercia; 111. Quincy; 112. Quincy, Earls of Winchester; 113. St. Liz; 114. Waltheof, Earl of Northumberland; 115. Boulogne, Comte de Lens; 116. Bellomont, Earls of Leicester; 117. Meullent, Comte de Bellomont; 118. Meullent, ancient Comtes de; 119. Walet, Earl of Norfolk; 120. FitzOsborne, Earls of Hereford; 121. Grantmesnil; 122. Galloway, Constable of Scotland; 123. Botteler of Wem; 124. Pantulf; 125. Talbot, Earls of Shrewsbury; 126. Talbot, ancient; 127. Comyn; 128. Baliol, Kings of Scotland; 129. Galloway; 130. Prince Royal of Scotland; 131. Kingdom of Scotland; 132. Waltheof, Earl of Northumberland; 133. Boulogne, Comte de Lens; 134. Earls of Chester; 135. Lupus; 136. Earls of Mercia; 137. Valence, Earls of Pembroke; 138. Le Brun, Comtes de la Marche; 139. D'Angoulême; 140. Monchensy; 141. Marischall, Earls of Pembroke; 142. Clare, Earls of Pembroke; 143. Strange of Blackmere; 144. Blankminster; 145. Giffard, of Brimsfield; 146. Clifford of Clifford Castle; 147. Cundy; 148. Ap Meredith; 149. Nevill, Barons Furnivall; 150. Nevill (ancient); 151. Bulmer; 152. Middleham; 153. Bretagne; 154. Glanville; 155. Briwere; 156. Furnivall; 157. Lovetot; 158. Verdun; 159. Lacie; 160. Bigod, Earl of Norfolk; 161. Marischall, Earl of Pembroke; 162. Dagworth; 163. Saville; 164. Gobion; 165. Copley; 166. D'Arcy; 167. D'Arcy (ancient); 168. Bertram; 169. Heron; 170. Ford; 171. Notton; 172. Meisnill; 173. Tempest; 174. Skelton; 175. Gatesford; 176. Melton; 177. Lucy; 178. Fitz Duncan; 179. Romelli; 180. Meschines, Lord of Egremont; 181. Morville; 182. Multon; 183. Engayne; 184. D'Estivers; 185. Boltby; 186. Hilton; 187. Swine; 188. Killum; 189. Lascelles.

By, and at the death, on the 20th of September, 1777, of his mother's uncle, Edward (Howard), Duke of Norfolk, Lord Stourton became (see page 553) the heir-of-line and senior co-heir general of the Noble Houses of Howard, Talbot, Furnivall, Strange, &c., and also senior co-heir of the Baronies of Mowbray, Segrave, Talbot, Furnivall, Strange, &c., which will be more explicitly detailed later, when tracing the devolution of the Baronies of Mowbray and Segrave. At the death of







CHARLES PHILIP, 17TH LORD STOURTON.

BORN 1752      DIED 1816

*From a Portrait by Giles Huxley of Marshfield, at Ugbrooke.*

his father, and in addition to the Barony of Stourton, Lord Stourton also became senior co-heir amongst the descendants of the Barons Fitz Payne (see page 43) and Fitz Warine (see page 52). These Baronies will be found again referred to later.

Lord Stourton, through his marriage, inherited, in right of his wife, the estates of Holme, in Yorkshire, and Draycott, in Staffordshire, she being eventually the sole survivor of the three sisters, and thereby heiress to considerable property. From the accounts given by those who had personally known Lady Stourton, she was remembered as one who knew how to combine great courtesy and kindness, and great cheerfulness, with a prudent reserve and that remarkable dignity which secured for her the love and veneration of the many who had known her.

Lord Stourton is remembered with much affection for his kindness and charity to the Nuns of the Holy Sepulchre, when, in the closing years of the eighteenth century, they were driven out of Liège by the French Revolution. After much suffering upon their landing, houseless and homeless, at Hull, through being unable to find any place in which to settle, Lord Stourton offered them Holme Hall, in Yorkshire, till such time as they found a more suitable abode elsewhere, adding to the offer his regret that he had not had greater time to put it in repair for them, it having been unoccupied for some years.

The Convent of the Holy Sepulchre was founded at Liège in 1642, being the old College of the Jesuits. It had long been the favourite place of education with the aristocratic Catholic families of England. How many of the Stourton family were educated there, or which of them, it is not now possible to ascertain, as the school registers now in the possession of the Convent only date from the year 1785; but a Miss Stourton (Christian name not mentioned) arrived at the Convent July the 6th, 1790, aged 13. This was probably the Honourable Constantia Stourton, daughter of Charles Philip, 17th Lord Stourton, who was born in 1777, and died, unmarried, the 6th of December, 1826. Several, however, had been nuns, and the details have been supplied from the Convent of four prior to this date, namely Katherine Stourton, and Elizabeth Stourton, the daughters of the Honourable Charles Stourton (see page 509), and the Honourable Catherine Agatha Stourton, and the Honourable Charlotte Mary Stourton (see page 562), the daughters of William, 16th Lord Stourton, and the sisters of Charles Philip, 17th Lord Stourton. There have since been others of the Stourton family who have taken the vows at this Convent. The Society of Jesus was suppressed in France in 1773, but the Academy at Liège was continued by permission. But on the approach of the Revolutionary army, with Charles François du Mouriez at its head, the College was broken up and the nuns made a hurried escape

into England. The following account of the temporary settlement of the nuns at Holme Hall has been supplied by the Prioress, and is taken from the records of the Convent, which is now permanently established at New Hall, near Chelmsford :

"It appears that while the Community were in London many places in the country were thought of as eligible for a convent, but for one reason or another none of them were taken, and, the winter coming on, they rather suddenly accepted Lord Stourton's kind offer of Holm Hall."

After describing the journey, the manuscript goes on to say :

"Lord & Lady Stourton chanced to be then in York, & came next Morning to see us. They expressed the greatest satisfaction to have it in their power to afford us an asylum in our present distress, & only regretted that we had not given them more early notice of our intentions, that they might have had the house a little repaired. Lord Stourton sent an express to his steward on the receipt of our letters two days before, & had ordered him to get everything ready for us as soon as possible.

We arrived at Holme at 6 in the evening & went straight to the chapel to thank God for our safe arrival. The house was damp as the Steward had been absent when his Lordship's express arrived. The provisions which his Lordship had ordered at his own expense arrived next day. Coals, beer, two barrels of ale, 6 doz. of wine, tea, coffee, sugar, spices, meat & butter, so that we wanted for nothing but water, a very essential thing & very scarce here. . . . Lord Stourton ordered a water cart for us.

This account of their reception is abridged. It is taken from a MS. in the handwriting of Rev<sup>nd</sup>. Mother Aloysia Austin Clifford. Her cousin, S<sup>r</sup> Ann Teresa Clifford daughter of Lord Clifford was professed at Holm, and an old nun, Mother Constantia Roper daughter of Lord Teynham died there, & was buried in the parish church at Holm (protestant). This was a great affliction to the nuns.

A ghost used to visit the community at Holm. He was seen frequently & by many. The nun who told me this, now over 80 knew many of those who came over from Liège. They spoke of it as a thing there was no doubt about. She remembers no circumstances except that it was always supposed to be the ghost of the then late Lord Langdale & that he was allowed to ask the prayers of the Community in consideration of the charity shown them by his descendants. This has only come down by oral tradition."

The nuns remained at Holme Hall from October, 1794, to October, 1796, Lord Stourton then adding to his previous assistance by undertaking to pay the first year's rent when they found a permanent home.

Amongst the Convent Records there is a description of the chapel at Holme Hall in the writing of Mother Agatha Laurenson, as follows :

“ The Chapel at Holme Hall was built by Lord Langdale about the middle of the 18<sup>th</sup> century, and it is said was the first Roman Catholic Chapel built since the Reformation from the foundation for a sacred edifice. It is very neat & handsome, having 3 large windows in the East. The Altar piece is a good copy of the beautiful ‘ Transfiguration ’ by Raphael.

Lord Langdale's zeal for religion inspired him with great courage in the undertaking, for besides that Catholics laboured at that time under severe restrictions and penalties, the Protestant minister of the parish of Holme at that time, had got some suspicion of Lord Langdale's design, though the building was ostensibly set about as an additional wing of the Hall. Yet this man, a bitter enemy to Catholics, would frequently come and walk about near the place, and would repeat in a malicious tone : ‘ I know what they are about ; but I will be up with them.’ Divine Providence, however, preserved the Noble and Pious Proprietor from any farther effects of his ill-will.”

A more united family than Lady Stourton and her children it would have been difficult to find. After Lord Stourton's death, his widow lived for some years with her second surviving son, Sir Edward Vavasour, at his seat of Hazlewood, for, after the death of the Hon. Mrs. Vavasour, Sir Edward begged his mother to reside with him and manage his household. This she did, bringing her own retinue of servants, so that the household under her care at Hazlewood became a large one. Her management was described by those who remembered her as most orderly, her presence causing Hazlewood to become the favourite resort of a large body of relatives. Often her four surviving sons—Lord Stourton, Sir Edward Vavasour, Mr. Langdale, and Mr. Philip Stourton—were at Hazlewood together, and their reverence and affection for their mother was a constant source of gratification. Lady Stourton's good sense always gave great weight to her opinions, and her sons habitually consulted her even on business, public, or political matters. A near relative of Lady Stourton, after her death, wrote to the Rev. P. Gallwey, S.J., that Lady Stourton was the centre of immense happiness and goodness for many years at Hazlewood, in consequence of her sweet and gracious manners and singular perfection of character and mind. It is said that though naturally reserved and dignified, she was most affable to the poor. Lady Stourton gave away large amounts in charity in the neighbourhood of Hazlewood, besides distributing relief in London through her agents, who notified her, at her especial request, of cases of real and genuine distress there.

Charles Philip, 17th Lord Stourton, purchased the Manor of Stapleton, with the capital messuage or mansion house called Stapleton Park, with lands in Stapleton, together with other premises, by deeds of the 23rd and 24th of March, 1789, from Edwin Lascelles (created 9 July, 1790, Lord Harewood of Harewood, Co. York), of Harewood House, 13, Hanover Square, London, Esquire; Edward Lascelles, his cousin (created Baron Harewood, 18 June, 1796, and Viscount Lascelles and Earl of Harewood, 7 September, 1812), of St. Marylebone, and Ann, his wife, daughter of William Chaloner, of Guisborough, Esquire; Edward Lascelles, their eldest son and heir apparent (who died unmarried, 3 June, 1814); the Hon. John Douglas (second and youngest son of James Douglas, 16th Earl of Morton, K.T.), and Frances, his wife, daughter of the said Edward and Ann Lascelles; Henry Lascelles, only younger son of the said Edward and Ann Lascelles, who succeeded his father as second Earl of Harewood, the 3rd of April, 1820. On the 15th of September following, these deeds were registered at Wakefield, at the same time that a lease from Lord Stourton to Robert Edward, Lord Petre, was registered. Lord Stourton caused Stapleton Park to be known by the name of "Stourton Place," as is proved by the old maps of that period. As early as the 5th of May, 1784 (five years before the purchase by Lord Stourton), the Holme Hall registers state that Lord and Lady Stourton resided at Holme Hall, whilst their house at "Stourton Place" (Stapleton), near Ferrybridge, was being fitted up for them. The name also occurs in the registers at Lulworth, and among the Wakefield Registry of Deeds is an assignment, dated the 15th of March, 1834, of the Manor and Lordship of Stapleton, theretofore called "Stourton House," but then commonly called by the name of Stapleton Park. Lord Stourton is said to have planted at Stapleton, during his possession, at least one hundred thousand trees, to have considerably enlarged the Park, and improved the mansion house, rendering portions of it more habitable. He fitted up and beautified an enclosed dilapidated building, then long known as the ancient chapel. This was originally built as an integral part of the fabric of the mansion, but was used only for religious purposes during the time of its Catholic ownership. But no mention of this chapel is made in any of the title-deeds, and it is not known when it was founded, or by whom it was served. It would seem most probable that the chapel at Stapleton Park was served by priests, for the time being, from the Mission House of St. Michael, Carleton, or Tanshelf, for between 1784 and 1834, whilst a Catholic family was resident at Stapleton Park, there was a priest at Carleton assisting one at Tanshelf. These priests were from the English College of Douai, in France. The chapel was dismantled about 1834, more than thirty years after Lord Stourton had sold the Stapleton Park estate. By deeds dated the 23rd and 24th of September, 1800, which are registered at Wakefield, Lord Stourton bargained, sold, and confirmed Stapleton



Manor, mansion house, park, &c., then in his tenure, to his relative Robert Edward, Lord Petre, of Writtle, Co. Essex, in whose family the property remained for about thirty-three years.\*

From the Registry of Deeds at Wakefield the following details of the property have been obtained. Unfortunately, in the memorials of deeds registered the purchase price is never given, but only the names of the parties to the deeds and the property affected thereby. The Deeds of Purchase† are dated the 23rd of March, 1789, and consist of a lease and release and an indenture of bargain and sale.

The lease was made between Edwin Lascelles, of Harewood House, Esquire, Edward Lascelles of the parish of St. Mary le Boat, otherwise Marybow (Middlesex), Esquire, and Ann, his wife (late Ann Chaloner, spinster), and Edward Lascelles (eldest son and heir apparent of the first-named Edward Lascelles and Ann, his wife) of the one part, and the Rt. Hon. Charles Philip, Lord Stourton, of the other part; and the release being of four parts and made between the said Edwin Lascelles of the first part, and the said Edward Lascelles and Ann his wife, and Edward Lascelles (their son), of the second part; the Hon. John Douglas, of the parish of St. George, Hanover Square (Middlesex), Esquire, and Frances, his wife, late Frances Lascelles, spinster (the eldest of the two daughters of the said Edward Lascelles, the father, and Ann, his wife), and Henry Lascelles, Esquire (the only younger son of the said Edward Lascelles, the father, and Ann, his wife), of the third part; and the said Rt. Hon. Charles Philip, Lord Stourton, of the fourth part.

The Indenture of bargain and sale was of three parts, enrolled in Chancery and made between the said Edwin Lascelles of the first part, and the said Edward Lascelles and Ann, his wife, and Edward Lascelles, their son, of the second part, and the said Charles Philip, Lord Stourton, of the third part, of and concerning

All that Manor or reputed Manor of Stapleton in the West Riding of the County of York, and all the capital messuage, or Mansion House and site of the said Manor of Stapleton aforesaid, and all the stables, outhouses, and appurtenances to the said capital messuage or tenement belonging and demesne lands therewith used, as the same were formerly in the possession of John Boldero Esquire, and late of the said Edward Lascelles, the father, or his assigns, and are now in the possession or occupation of the said Charles Philip, Lord Stourton, his undertenants or assigns.

\* The foregoing details are chiefly taken from Mr. Tew's account of Stapleton Park, from the Roman Catholic Registers, and from local information, &c.

† 23rd and 24th of March, 1789. Registered the 15th of September, 1789, Book D.A., p. 530, No. 602, Wakefield Registry.

And all that messuage or tenement or farm, with the lands and grounds thereto belonging, or therewith used in Stapleton aforesaid, formerly in the tenure of Francis Crowdor, at the yearly rent of	-	-	-	-	-	£143	13	4
And all that messuage, &c., in Stapleton aforesaid, formerly in the tenure of John Cullingworth, at the yearly rent of	-	-	-	-	-	42	0	0
And all that messuage, &c., in Stapleton aforesaid, formerly in the tenure of Anthony Romington, at the yearly rent of	-	-	-	-	-	32	0	0
And all that messuage, &c., in Stapleton aforesaid, formerly in the tenure of James Pease, at	-	-	-	-	-	35	0	0
And all that messuage, &c., in Cridling Stubbs, in the parish of Womersley, formerly in the tenure of John Hepworth and Robt. Hepworth, at the yearly rent of	-	-	-	-	-	37	0	0
And all that messuage, &c., in Cridling Stubbs, in the Parish of Womersley, formerly in the tenure of Stephen Catley, at the yearly rent of	-	-	-	-	-	7	10	0
And all that messuage, &c., in Cridling Stubbs aforesaid, formerly in the tenure of Thomas Colley, at the yearly rent of	-	-	-	-	-	1	0	0
And all that messuage, &c., in Stapleton, aforesaid, formerly in the tenure of Timothy Bates, at the yearly rent of	-	-	-	-	-	1	10	0
						<hr/>		
						£299	13	4
						<hr/>		

And all that piece or parcel of ground in Darrington, formerly purchased by the said John Boldero of Mrs. Atkinson, of Grove.

And all and every other of the manors, messuages, farms, lands, tenements, tithes, and hereditaments whatsoever of them the said Edwin Lascelles, Edward Lascelles the father, and Ann his wife, and Edward Lascelles the younger, or any of them, or whereof or wherein they or any of them or any person or persons in trust for them or any of them have or hath any estate of freehold or inheritance in possession, reversion, remainder, or expectancy situate, lying, and being in Stapleton, Cridley Stubbs, and Darrington, or any of them in the said Co. of York, which were late or heretofore the estate of the said John Boldero, and by certain indentures of Lease and Release, dated respectively the 2nd and 3rd days of August, 1762, by him conveyed unto and to the said Edwin Lascelles and Daniel Lascelles, Esquires, since deceased, their heirs and assigns, with their and every of their appurtenances.



The details of the Lease and Release,\* dated the 4th and 5th of May, 1789, are as follows :

The Lease made between the Rt. Hon. Charles Philip, Lord Stourton, of the one part, and the Rt. Hon. Robert Edward, Lord Petre, of the other part. The Release made between the Rt. Hon. Charles Philip, Lord Stourton, and Mary, Lady Stourton, his wife, of the first part ; the Rt. Hon. Robert Edward, Lord Petre, of the second part ; William Sheldon, of Gray's Inn, Esquire, of the third part ; and the Rt. Hon. Hugh, Lord Clifford, and Philip Langdale, of Houghton, Esquire, of the fourth part. By which said Indenture of Release the said Charles Philip, Lord Stourton, did grant, bargain, sell, alienate, release, and confirm unto the said Robert Edward, Lord Petre, and his heirs and assigns,

All that, &c. (as in the last Deed).

The details of the Lease and Release,† dated the 4th and 5th of February, 1806, are as follows :

The Lease between the Rt. Hon. Edward, Lord Petre, the Rt. Hon. Charles, Lord Clifford, the Rt. Hon. Charles Philip, Lord Stourton, and the Hon. William Stourton (eldest son and heir apparent of the said Charles Philip, Lord Stourton), of the first part ; Ellis Leconby Hodgson, of Stapleton, Esquire, of the second part ; and Richard Lumb, of Wakefield, Esquire, of the third part. The Release made between Charles, Lord Clifford, of the first part ; the said Robert Edward, Lord Petre, of the second part ; Charles Philip, Lord Stourton, and Mary, Lady Stourton, his wife, and the said William Stourton, of the third part ; James Richardson, of Burley Lodge, Leeds, Gentleman, of the fourth part ; the said Ellis Leconby Hodgson of the fifth part ; the said Richard Lumb, of the sixth part ; William Sheldon, of Gray's Inn, Esquire, of the seventh part ; Philip Langdale, of Houghton, Esquire, of the eighth part ; and David Colvard, of Wakefield, Gentleman, of the ninth part.

*Acres. Woods. Poles.*

The premises affected were the Manor or Lordship of Stapleton, the capital messuage or mansion house, called " Stourton House," and outbuildings at Stapleton, and fields, and woods, and plantations all in Stapleton, and containing together by admeasurement

873 0 24

Occupied by Ellis Leconby Hodgson, or under-tenants.

And also all that messuage or tenement, &c., and all those closes of land containing by admeasurement

285 3 35

In Stapleton, occupied by James Birdsall.

\* Registered the 15th of September, 1789, Book D.A., p. 534, No. 604, Wakefield Registry.

† Registered the 24th of February, 1806, Book E.W., p. 480, No. 550.

	<i>Acres. Rods. Poles.</i>		
And also all those cottages or dwelling-houses in Stapleton -			
And all that other messuage, dwelling-house, or tenement, &c., and several closes of land in Stapleton, containing -	332	1	33
Occupied by John Purkett.			
Also all those several closes, &c., in Stapleton, in the occupation of Robert Hepworth, containing - - - -	37	3	16
Also all those lands or closes in Stapleton, in the occupation of Thomas Castle, containing - - - -	46	2	18
Also the Stone Quarry, in Stapleton, containing - -	0	1	0
Also all that, &c., in Stapleton, called Womersley Road, containing - - - - -	5	1	0
Also all that other Road in Stapleton aforesaid, leading from Pontefract to Smeaton, containing - - - -	6	3	0
Also all that messuage, dwelling-house, or tenement in Cridling Stubbs, &c., and fields occupied by Robert Hepworth, containing - - - - -	40	2	36
Also all that other messuage, &c., in Cridling Stubbs, and fields in the occupation of Stephen Catley, containing - -	31	0	1
Also all that other messuage, &c., in Cridling Stubbs, and fields in the occupation of John Hepworth, containing - -	2	3	35
Also all that other messuage, &c., in Little Smeaton, and fields in the occupation of Thomas Cattle, containing - -	155	0	39
	1817	1	37

Also that piece or parcel of ground in Darrington, formerly purchased by John Boldero of Mrs. Atkinson, and all manors, messuages, &c., in Stapleton, Cridley Stubbs, Little Smeaton and Darrington.

Marmaduke, Lord Langdale, who died April the 5th, 1778, by his will, dated the 16th of June, 1777, after providing for his widow, Constantia, Lady Langdale, and his sister, the Hon. Elizabeth Langdale, as therein specified, gave unto certain trustees, their heirs and assigns, all his Manors, messuages, lands, tenements, and hereditaments, with their appurtenances, upon trust to provide a rent-charge by way of pin-money unto his daughter Mary, Lady Stourton, to issue out of that portion of his real estate which should come to her; with like rent-charges in favour of his other two daughters, Elizabeth Langdale, afterwards wife of Robert Butler,\* of Ballyragget,

\* Died without issue the 10th of June, 1788.

Co. Kilkenny, Ireland, and Apollonia Langdale, afterwards wife of Hugh, Lord Clifford, out of the respective thirds of his real estate which should come to each of them in like manner, and, subject thereto, the said trustees were to hold the same estates for his said three daughters in three undivided portions, with respect to the third held upon trust for Lady Stourton, to the use of herself and her assigns, for her life, without impeachment of waste and for preserving contingent uses ; with remainder to her first and other sons of her body severally and successively, according to their respective seniorities, in tail male, with remainders over in favour of her two sisters and their issue male respectively ; Lady Stourton having like cross remainders in her favour with regard to the third parts of her sisters in the event of either of them dying without issue male of their respective bodies ; with an ultimate remainder in the whole estate to the use of the testator's own right heirs.\*

The testator's sister, Elizabeth Langdale, died 30th January, 1786, and Hugh, Lord Clifford, husband of Apollonia Langdale, died 15th January, 1793. By Indenture of Bargain and Sale, enrolled in the Common Pleas, dated 23rd November, 1797, made between Charles Philip, Lord Stourton, of Stourton, Co. Wilts., of the first part ; William Stourton, his eldest son and heir apparent, of the second part ; Francis Witham, of Gray's Inn, Middlesex, gentleman, of the third part ; and William Witham, also of Gray's Inn, gentleman, of the fourth part ; the Manor or Lordship of Gatenby, with the rights, members and appurtenances in Gatenby and Scabed Newton, in the Parish of Burneston, Co. York, divers messuages, &c., there, and in Molescroft, Beverley, and Pighill, in the same county, which, with other Manors and messuages in Co. Stafford, with their appurtenances, were part of the inheritance of Marmaduke, Lord Langdale, which passed under his said will, and which stood limited and assured for his daughter Mary, Lady Stourton and her issue in tail male and with other premises, were settled to certain uses, trusts, intents, and purposes, by this present deed, and by certain other assurances in the law, including a common recovery, had and suffered in pursuance thereof, and more particularly mentioned in the Release of the 24th of September, 1800. It was recited in the Act of 20th January, 1806, that neither Elizabeth Butler, nor Apollonia, Lady Clifford, ever had any issue ; and that Charles Philip, Lord Stourton, by Mary, Lady Stourton, his wife, had issue male four surviving sons—William, of age, and Edward, Charles, and Philip, then under age, at which date the said William Stourton, by Catherine, his wife, had issue Charles, an only son and heir, then under age. By Lease and Release of the 23rd and 24th of September, 1800, the release made between Charles Philip, Lord

\* Recited in an Act of Parliament of the 20th of June, 1806, for the sale of the Langdale property ; and also in a deed of the 24th of September, 1800, shown in the same Act, and in the Mowbray and Segrave Peerage Claim.

Stourton, of Stourton, Co. Wilts., and Mary, Lady Stourton, his wife, theretofore one of the three daughters, co-heirs at law, and devisees under the will of Marmaduke, Lord Langdale, then deceased, of the first part ; William Stourton, their eldest son and heir apparent, of the second part ; Elizabeth Butler, of Portman Square, Middlesex, widow of Robert Butler, then late of Ballyragget, Co. Kilkenny, Ireland, Esquire, deceased, and Apollonia, Dowager Lady Clifford, widow of Hugh, then late Lord Clifford, of Chudleigh, Co. Devon, deceased, who were the other two sisters of Lady Stourton, of the third part ; Thomas Weld, of Lulworth Castle, Dorset, Esquire, and Catherine Weld, spinster, his second daughter, by Mary Weld, his wife, of the fourth part ; Robert Edward, Lord Petre, of Writtle, Co. Essex, and Charles, Lord Clifford, of Chudleigh, Co. Devon, of the fifth part ; William Witham, of Gray's Inn, Middlesex, gentleman, of the sixth part ; Thomas Weld, the younger, eldest son and heir apparent of the said Thomas Weld, of the seventh part ; Thomas Clifford, of Tixall, Co. Stafford, Esquire, and Everard Arundell, of Truham Hall, Co. Lincoln, Esquire, of the eighth part ; and Edward Constable, of Burton Constable, Co. York, Esquire, and the said Thomas Weld, the younger, of the ninth part ; whereby, after reciting that a marriage was then agreed upon and then intended to be shortly solemnized between William Stourton and Catherine Weld, with the consent and approbation of their respective fathers as thereby testified, the said Bargain and Sale of 23rd November, 1797, and the said will of Marmaduke, Lord Langdale, it was stated that the third part of Lord Langdale's estates devised to Mary, Lady Stourton, had been charged with a certain sum for the portions of her daughters and younger sons ; and that it was by that present deed agreed to convey and assure certain of the premises to the uses, trusts, intents and purposes therein expressed, and by virtue of one or more common recovery or common recoveries, to be then suffered in Easter Term, 1801, all the Manor or Lordship of Gatenby, and messuages, &c., in Gatenby and Scabed Newton, in the Parish of Burneston, Co. York ; also divers messuages, &c., in Molescroft, Beverley, and Pighill, in the same county ; which premises, with other Manors and Hereditaments in Co. Stafford, had devolved under the will of Marmaduke, Lord Langdale, and stood settled and assured to the use of Mary, Lady Stourton, and her assigns for life, with remainder to her husband, Charles Philip, Lord Stourton, and his assigns for life, both without impeachment of waste ; with remainder to William Stourton and his assigns, in like manner ; with remainder to Lord Petre and Lord Clifford, and their heirs, during the above three lives, upon trust to preserve contingent uses ; with remainder to the use of the first and other sons of the body of William Stourton by Catherine Weld, severally and successively, according to their respective seniorities, in tail male ; with remainder to such uses as Mary, Lady Stourton, Charles Philip,

Lord Stourton, and William Stourton, should direct, limit or appoint, and for default subject to the appointment of Lady Stourton and her said son, should they survive Charles Philip, Lord Stourton ; and in default to the first and other sons of William Stourton, by any other wife, in the same manner as limited to his children by Catherine Weld ; with divers remainders over in favour of Edward Stourton, Charles Stourton, and Philip Stourton, the second, third, and fourth surviving sons\* of Charles Philip, Lord Stourton, and Mary, Lady Stourton, his wife, with an ultimate remainder to Mary, Lady Stourton, her heirs and assigns ; the whole subject to power of sale or exchange, and also of resettlement, of the premises as therein provided for.

On the 20th of June, 1806, in the 46th year of George III., an Act was passed for vesting certain parts of the estates, in the County of York, devised by the will of Marmaduke, Lord Langdale, and limited to other uses by the settlement already described, made prior to the marriage of William Stourton with Catherine his wife, in trustees, upon trust to sell the same, and to lay out the money arising from the sale thereof, in the purchase of other estates to be settled to the subsisting uses limited by the said will and settlement, both of which have already been summarized herein, together with other facts already related. The Act of Parliament was obtained because it was thought that, by reason of the limitations contained in the will of Lord Langdale, and the possibility of two of his daughters, Mrs. Butler and Lady Clifford, having issue, a clear and unquestionable title to the premises recited in the Act could not be produced to a purchaser, or created without the aid and authority of Parliament. Therefore Charles Philip, Lord Stourton, and Mary, Lady Stourton, his wife, for themselves and their infant sons Edward, Charles, and Philip ; William Stourton, their eldest son and heir apparent, for himself, and on behalf of Charles Stourton, his infant son ; and Elizabeth Butler, and Apollonia, Lady Clifford, on behalf of themselves, obtained powers under the said Act whereby all the Manor or Lordship of Gatenby, in Gatenby and Scabed Newton, in the parish of Burneston, with divers messuages, &c., in those three places and in Molescroft, Beverley, and Pighill, Co. York, described in the schedule thereto, with their rights, members, and appurtenances, should, from the passing of the Act, be vested in Nicholas Selby, of Henrietta Street, Covent Garden, Middlesex, Esquire, and William Shelden, of Gray's Inn, Middlesex, Esquire, and their heirs and assigns for ever, subject to a mortgage then existing, but freed, discharged, &c., from all the uses, &c., under Lord Langdale's will or the marriage settlement of William Stourton and Catherine, his wife, and with power of sale as therein provided for, the purchase money to be paid into Chancery,

\* This deed is recited in both the Mowbray and Segrave Peerage Claim and in the Act of Parliament of the 20th of June, 1806, as well as recited in the will of Charles Philip, Lord Stourton, in which he states that the deed comprised his settled estates in Rothwell.



to be invested in the purchase of other freeholds in England, and conveyed and settled to the uses of Lord Langdale's will and the said marriage settlement.

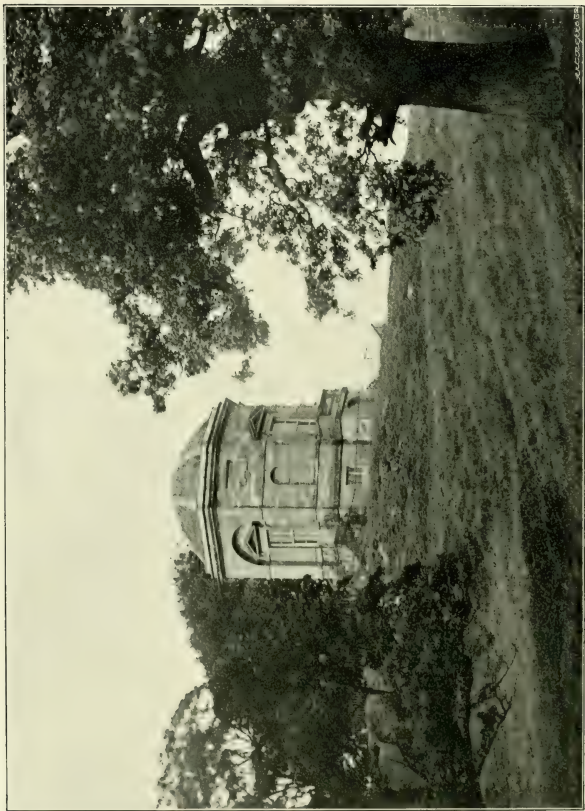
The schedule of this Act of Parliament included

- (1) The Gatenby estate, in the respective tenures of Widow Martin, Thomas Mitchell, Peter Appleton and Mary Metcalf, comprising a total acreage of 706 acres, 1 rood and 25 perches, producing a total rental, after providing for land-tax and tithes, of £1,015 10s. od.; the Manor of Gatenby, which was a manor or reputed manor, two-thirds of the great tithes of which, including Mrs. Harrison's freehold of about 140 acres, belonged to Gatenby; and also two cottages built on the waste, originally for paupers. And
- (2) Molescroft Estate, which was in the respective tenures of Thomas Binns, William Artley, John Mosey, Christopher Jefferson, and John Arden, and consisting of 401 acres and 27 perches, the rentals of which amounted, with some tithes, to £703 13s. od.; Molescroft was also a manor or reputed manor, and was within the parish of St. John of Beverley, Co. York.

By Deeds of Lease, Appointment and Release, of the 7th and 8th of July, 1807, the appointment and release being made between Charles Philip, Lord Stourton, of Stourton, Co. Wilts. and William Stourton, afterwards Lord Stourton, his eldest son and heir apparent, of the first part; Charles, Lord Clifford, of Chudleigh, Co. Devon, William Shelden, of Gray's Inn, Middlesex, Esquire, and George Hubbard, Esquire, of the second part; Nicholas Selby, of Henrietta Street aforesaid, Esquire, and William Shelden, of Gray's Inn, Esquire, of the third part; and Francis Witham, of Gray's Inn, Esquire, of the fourth part; also by Lease and Release of the 5th and 6th April, 1810, the release made between Sir William Strickland, Baronet, John Cayley and William Gray, by their further descriptions therein contained, of the first part; Charles Philip, Lord Stourton, of Stourton, Co. Wilts., of the second part; and Charles, Lord Clifford, of Chudleigh, Co. Devon, of the third part; the family estates were further settled and assured; a term of 1,000 years being created by deed of the 5th of April, 1810, to the use of Thomas Weld the younger, for securing to Charles Philip, Lord Stourton, a certain sum and interest, besides, by other deeds, several other terms for William Stourton and his three surviving brothers, Edward, Charles, and Philip respectively.

Charles Philip, 17th Lord Stourton, purchased the estate at Allerton-Mauleverer and the adjoining parishes from Colonel Thornton, at two separate occasions, for the sum of £193,315, and the estate then consisted of 3,861 acres 2 roods 25 perches.





THE "TEMPLE OF VICTORY," ALLERTON PARK, YORKSHIRE

*From a Photograph, 1898.*



The principal part, 3,218 acres 3 roods 20 perches, was purchased for £153,315, and conveyed by deeds of the 11th and 12th of October, 1805. The remainder of the estate, 642 acres 3 roods 5 perches, was purchased for £40,000 and conveyed by deeds dated the 4th and 5th of July, 1810. Part of the purchase money for the Allerton Estate was obtained from the sale of the property at Gatenby and Molescroft, derived under the will of Marmaduke, Lord Langdale, dated June 16, 1777, as already detailed.

The Allerton Estate has since been added to, and now (1898) consists of 4,016 acres, situated in the West Riding of the County of York, in the parishes of Allerton Mauleverer with Hopperton, Little Ouseburn, Great Ouseburn, Whixley and Goldsborough, and in the nine townships of Allerton Mauleverer with Hopperton, Whixley, Goldsborough, Flaxby, Coneythorpe, Claretton, Little Ouseburn, Thorpe-under-Woods and Great Ouseburn. The then existing mansion house, which was purchased from Colonel Thomas Thornton, was, according to "The History of Knaresborough," an elegant mansion, built by H.R.H. the Duke of York, and stood on a rising ground within six miles of Wetherby, seven from Harrogate, and thirteen from York, commanding an extensive view of a beautiful and well-cultivated country. The Duke of York had purchased it in 1786 from Robert, 4th Viscount Galway, and with his brother, George, Prince of Wales, afterwards King George IV., resided there in October, 1787, and in June, 1789, and it was from the Duke of York that Colonel Thomas Thornton purchased the estate.

The Park contained 400 acres of exceedingly rich land, encompassed with a high wall of brick, four miles in extent, had a great variety of ground, and was well stocked with deer and other game. On a lofty eminence, shaded with trees, was an octagon\* tower, consisting of two rooms, the entrance being by a double flight of steps, which, together with the terrace round the building, was secured with palisades. The great variety which this park afforded of "hill and dale, of thick woods and scattered groves, with a beautiful lake, seen from the tower, cannot be equalled by the distant prospect of fields, woods, villages, and seats, most charmingly interspersed."† Col. Thos. Thornton, who bought the estate from the Duke of York and afterwards sold it to Charles Philip, 17th Lord Stourton, writes in his work, "A Sporting Tour through Various Parts of France in the Year 1802," etc., Vol. II. (1806), Appendix, as follows: "The park is beautiful and extensive, well wooded and watered, and contains two fine lakes, called the Upper and the Lower Lake. It is well stocked with deer, and is embellished with an elegant structure, of stone, denominated the Temple of Victory, a correct delineation of which is also annexed. Being situated on an eminence, it commands an extensive view over the park and the

\* Called the Temple of Victory.

† Vide "History of the Castle, &c., of Knaresborough, and the Harrogate Visitors' Guide," without date, printed by William Langdale, and sold by him at Knaresborough.

adjacent country. It has been customary to illuminate this temple on occasion of any splendid victory; and after the glorious battle of Trafalgar, a brilliant display of light was seen to a considerable distance by the inhabitants of the country around."

John Bigland visited the place in 1811. He stated that Allerton Park was about four miles north-east of Knaresborough, and that the mansion (which was an elegant edifice, standing on a gently rising ground, but the height of the park wall prevented it appearing with advantage from the road) was built by His Royal Highness the Duke of York, who with his brother, the Prince of Wales, resided at Allerton Park in 1787 and 1789. When Bigland visited the place in 1811 the additions which were made by Lord Stourton to the mansion were then in progress.\* He gave a very graphic account of the estate, stating that the park consisted of about 400 acres of very rich land, charmingly picturesque, comprising a delightful interspersion of hills, dales, and groves, while the lake ornamented an already beautiful scene.

Harry Speight, in his work "Nidderdale, and the Garden of the Nidd" (published in 1894 by Elliot Stock), says: "By the famous North Road already mentioned, from Ribston to Allerton, (where is the nearest railway-station), it is about two miles. Before the present highway at Allerton station was constructed, about sixty years ago,† the old road lay some fifty yards to the east, but parallel with it, and passed close to Allerton Grange, which at that time was a post-office. Being on an important coaching thoroughfare, there was a good deal of traffic and the mails also passed here daily." Speight later on proceeds to give the description of Allerton Mauleverer as at present. He says: "The village or township of Allerton now consists of a few scattered houses, the church, and the noble mansion of Lord Mowbray and Stourton, surrounded by its extensive and beautiful park."

The old mansion was entirely built of brick, plastered, and painted; a description of it, as it originally stood, by a contemporary writer, who actually visited the parish whilst Charles Philip, 17th Lord Stourton, was improving and augmenting the mansion-house, is given above. The last-mentioned Lord Stourton built the Chapel of St. Mary, which forms a part of the present mansion at Allerton Park. It was considerably enlarged and improved in 1837 by his son and successor, William Joseph, 18th Lord Stourton, who added transepts and vaults under the sanctuary, to which the remains of certain members of the family, who had been buried in St. Martin's Parish Church of Allerton Mauleverer, were afterwards removed. The present mansion was built by Charles, 19th Lord Stourton, when nearly all the materials of the former mansion-house were used in its reconstruction. One part of the old mansion, however, was not destroyed. This formed a portion of the dining-room in the old building, but in the present

\* This probably refers to the building of the chapel.

† From 1894.



THE OLD MANSION, ALLERTON PARK, YORKSHIRE  
PULLED DOWN CIRCA 1848.

*From a Watercolour Drawing at Allerton Park.*



mansion it is known as the "chapel room." The chapel was further enlarged when the present mansion was built. The accompanying view of the former building is from a water colour sketch. The wall around the park was finished in 1745, when the original palings which had previously enclosed the park, had been removed. The "Temple of Victory," erected by the Duke of York more than a century ago, still occupies its old commanding site in the park, but the Hawks' Mews, erected by Colonel Thornton, have been removed. Formerly, it is supposed, a herd of red deer (*Cervus elaphus*) was kept in the park at Allerton Mauleverer, as appears by the following extract from a letter written by a Mr. James Morgan from Ribston at the end of the last or early in the present century, that "Coll<sup>l</sup> Thornton and 3 Gentlemen with him had very near been killed, the evening Mr. Brown went to Allerton by a Red Deer." There is a herd of fallow deer, which have been there from time immemorial. It consists at present (1898) of about 140 head. It is not known when the park was made, but undoubtedly it is of considerable antiquity. In Shirley's work "Some Account of English Deer Parks," amongst the extracts from the Household Books of the Clifford family is the following: "To the keepers of Allerton Maulevery parke where my Lord killed a buck 13s. 4d." The writer adds a note that Allerton Mauleverer was one of the Knaresboro' parks.

By Indenture of the 31st of July, 1813, made between Charles Philip, Lord Stourton, of Stourton, Co. Wilts., of the first part; the Hon. Edward Marmaduke Stourton (afterwards the Hon. Sir Edward Marmaduke Vavasour, Baronet), his second surviving son, of the second part; James Fox, Esquire, of the third part; Marcia Fox, spinster, of the fourth part; the Hon. William Stourton (afterwards William, 18th Lord Stourton), the eldest son and heir apparent of the said Lord Stourton, and George Lane Fox, Esquire, of the fifth part, it was witnessed that, in consideration of a marriage then intended to be had and solemnized between the said Edward Marmaduke Stourton and Marcia Fox, that Charles Philip, Lord Stourton, should secure to the said William Stourton and George Lane Fox a certain annual sum, therein mentioned to commence from the solemnization of the said intended marriage, to be payable during the lives of Charles Philip, Lord Stourton, and Mary, Lady Stourton, his wife, and the survivor of them, for which payment a certain sum of Bank four per cent. Annuities, and certain other sums specifically mentioned, were then transferred into the names of William Stourton and George Lane Fox, as well as all the tithes of corn and grain arising out of and upon all and every the farms, lands, and grounds within the parish of Rothwell, in the West Riding of Yorkshire (except those parts of the farms, lands and grounds called Saint Clement's, otherwise Clemitt's, land); one-third of the corn and grain arising out of and upon the said lands

and grounds called Saint Clement's, otherwise Clemitt's, lands, with their appurtenances, for a term of 800 years; to hold the entire sums of stock and money, and tithes as aforesaid to William Stourton and George Lane Fox, and the survivor of them, from and after the solemnization of the then intended marriage, during the lives of Charles Philip, Lord Stourton, and Mary, Lady Stourton, and the survivor of them, in trust to pay the specified annual sum or annuity to Edward Marmaduke Stourton, his wife and family, as directed by a certain Release (but not the next-mentioned deed) bearing even date therewith.

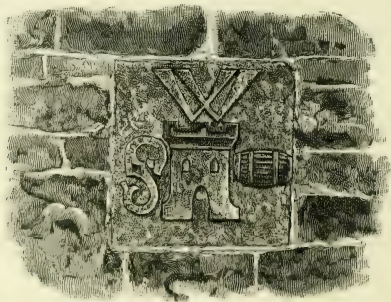
By Indenture of the said 31st of July, 1813, made between the said Charles Philip, Lord Stourton, and Mary, Lady Stourton, his wife, of the first part; the Hon. Elizabeth Butler, of the second part; Apollonia, Dowager Lady Clifford, of the third part; the said William Stourton (afterwards Lord Stourton), of the fourth part; the said Edward Marmaduke Stourton (afterwards Sir Edward Marmaduke Vavasour), of the fifth part; the said James Lane Fox, Esquire, of the sixth part; the said Marcia Fox, spinster, of the seventh part; the said William Stourton and George Lane Fox, of the eighth part; Bernard Edward Howard, of Farnham, Suffolk, Esquire, and William Morton Pitt, of Kingston House, Dorset, Esquire, of the ninth part; Joseph Weld, of Pilewell, Hants, Esquire, and George, Lord Rivers, of Strathfield Saye, Hants, and Sudeley Castle, Gloucester, of the tenth part; Sir Thomas Vavasour, of Hazlewood, York, Baronet, and Henry Seymer, of Handford, Dorset, Esquire, of the eleventh part; and Thomas Clifford, of Tixall, Stafford, Esquire, and William Augustus Lane Fox, Esquire, of the twelfth part; by which deed it was agreed and declared that if Charles Philip, Lord Stourton, and either Elizabeth Butler and Apollonia, Lady Clifford, should die during the lifetime of Mary, Lady Stourton, that immediately after the death of the survivor of Charles Philip, Lord Stourton, and such one of them, the said Elizabeth Butler and Apollonia, Lady Clifford, as should first die, that the said annual sum or annuity secured by the foregoing deed should absolutely cease and determine; it being further agreed and declared that if Edward Marmaduke Stourton and Marcia Fox should die during the life of Charles Philip, Lord Stourton, and Mary, Lady Stourton, or the survivor of them, without any child of Edward Marmaduke Stourton and Marcia Fox then living at the death of the survivor of them, or if there should be any such child or children then so living, which child or children should die at any time before the decease of both Charles Philip, Lord Stourton, and Mary, Lady Stourton, his wife, then in either case the said annuity was to absolutely cease and determine; and, subject thereto, William Stourton and George Lane Fox were then to stand possessed of the entire premises, in trust for Charles Philip, Lord Stourton, absolutely.



By Lease and Release of the 30th and 31st of July, 1813 (the Release being the Indenture referred to as the Indenture of even date referred to on page 585), and made between the same parties as were parties to the last-mentioned deed of twelve parts, of the same date, being parties in the same order and by the identical descriptions and addresses therein specified; the Manor or Lordship of Holme in Spalding Moor, with its appurtenances, in the East Riding of Yorkshire; the capital messuage or mansion-house of Holme aforesaid, with its offices, gardens and appurtenances, and the demesne and other lands therewith held, then in the occupation of Charles Philip, Lord Stourton; the messuages, farms, lands and hereditaments then late the estate of Marmaduke, Lord Langdale, deceased, in Holme on Spalding Moor, Spenn, Bulmer, Arglam Bursey, Barsey Boilby, otherwise Beilby, Latham, and Bubwith, some or one of them in the East Riding of Yorkshire; with all sums of money issuing out of same in lieu of land-tax thereof which had been redeemed or purchased either by Charles Philip, Lord Stourton, Mary, Lady Stourton, Elizabeth Butler, Apollonia, Lady Clifford, and William Stourton; the Manor or Lordship of Draycott, with its rights, members and appurtenances, Co. Stafford, and the capital and other messuages, lands and hereditaments then late the estate of Marmaduke, Lord Langdale, deceased, in Draycott, Painsley, Cresswell, Newton, Leigh, and Checkley, Co. Stafford, with similar sums of money for land-tax as followed the Holme estate; the advowson and right of patronage to the church of Draycott aforesaid, with the appurtenances; were limited and assured (subject to incumbrances thereon, and the two undivided third parts of Elizabeth Butler and Apollonia, Lady Clifford, for their respective lives, and the lives of their respective first and other sons successively in tail male), to the use of Charles Philip, Lord Stourton, for life, with remainder to the use of trustees to preserve contingent remainder, with remainder to Joseph Weld and George, Lord Rivers, for a term of 99 years, to commence the day next before the date of the Indenture, upon trust *inter alia* to raise a certain annual sum for the separate use of Marcia Fox for pin-money; with remainders to Mary, Lady Stourton, for life, after her death, to Edward Marmaduke Stourton, for life, then for Marcia Fox, if she survived them both, to take a certain annual sum or yearly rent-charge for her jointure and in lieu of dower, as therein legally secured to her, with power to trustees to raise certain portions for daughters and younger sons of Edward Marmaduke Stourton and Marcia Fox; with remainder to their first and other sons severally and successively in tail male; with like remainder to all the sons of Edward Marmaduke Stourton by any future wife; with an ultimate remainder to the right heirs in fee of Charles Philip, Lord Stourton. The said entail of the estates in the East Riding of Yorkshire (except as therein mentioned) to Edward Marmaduke Stourton, his wives and issue, was subject to a special provision governing any freehold property in

Yorkshire, amounting yearly to a specified sum, which might be entailed on him by Sir Thomas Vavasour, Baronet, at any time after the marriage of Edward Marmaduke Stourton with Marcia Fox, when the estates of Charles Philip, Lord Stourton, should descend to the right heirs of the latter, as if no entail had been made by this deed on this his said second surviving son; in which event the said estate in the East Riding of Yorkshire was to be the primary security for payment of the pin-money to Marcia Fox under a term of 99 years therein created, and the rent-charge before secured to her, and for the payment of certain sums either annually or in gross. By the said indenture Charles Philip, Lord Stourton, granted to Bernard Edward Howard and William Morton Pitt certain messuages, lands, hereditaments and premises, at or near Holme aforesaid, then or then late in the occupations of George Anderson, William Camp, Henry Cobb, Robert Grisewood, John Hewby, Charles Randerson, William Stourton (afterwards Lord Stourton), and John Watt, with their appurtenances, from the solemnization of the said marriage, to the same uses as previously followed the entailment of the East Riding and other estates.

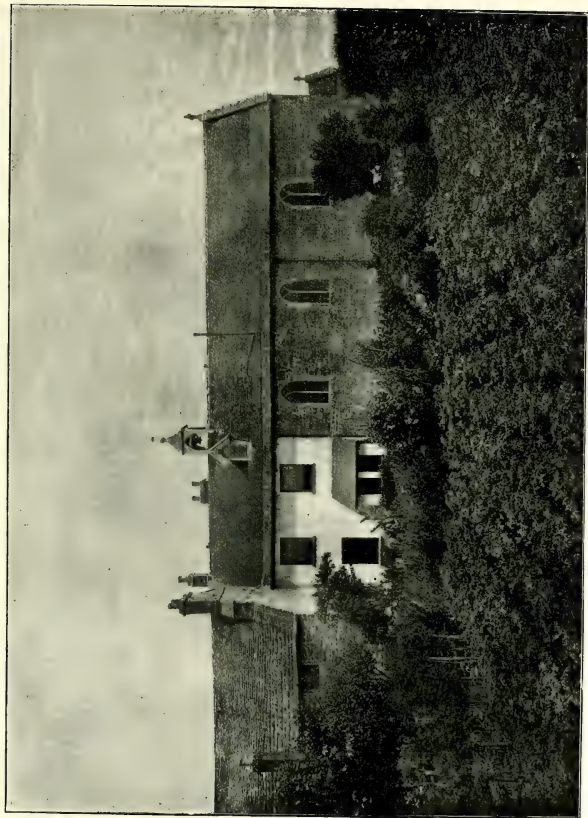
In 1785 Lord Stourton disposed of his estate at Bonham. It had descended to him from his ancestor the Honourable Charles Stourton, father of the 15th and 16th Lords Stourton. The estate comprised the mansion-house (believed, and stated by Leland, to have been built by William, 7th Lord Stourton), and the site and demesnes of the Manor of Bonham, with the appurtenances, together with the ancient Catholic chapel which stands on Bonham Farm.



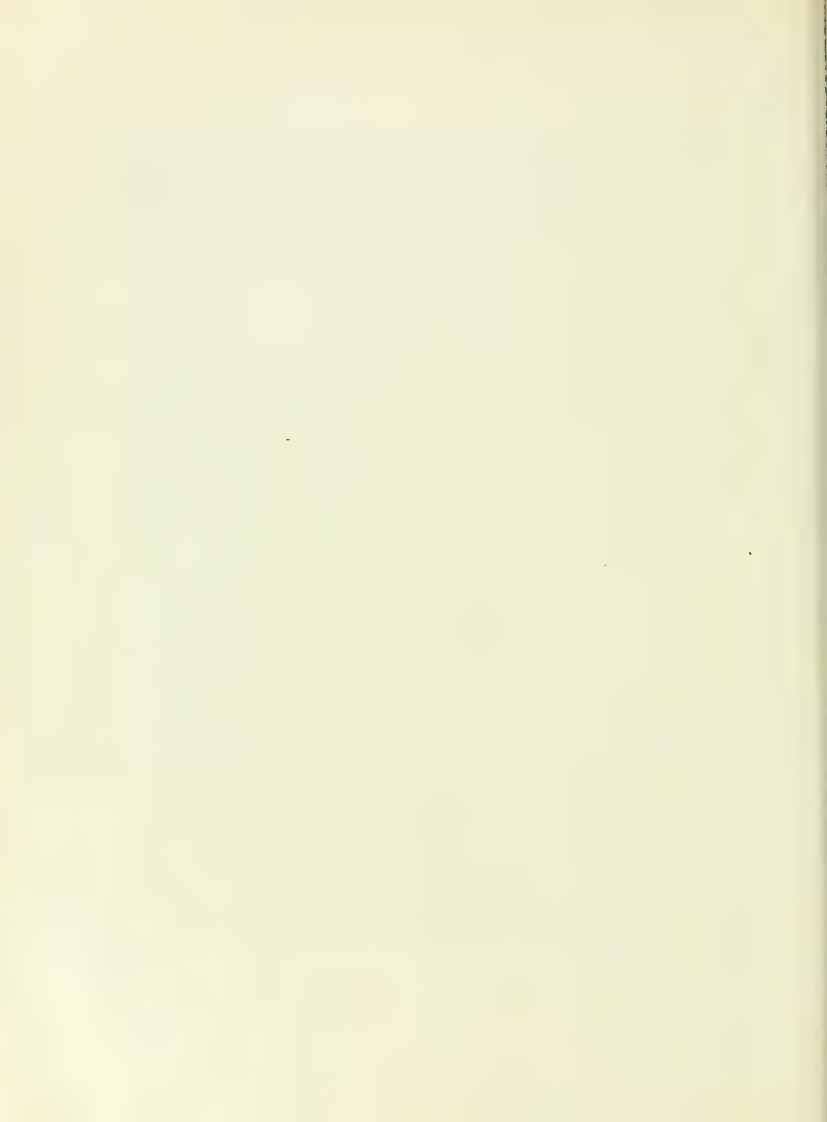
The above illustration (from a photograph, 1896) is of a rebus upon the wall of Bonham House. It is evidently that of William, 7th Lord Stourton, the reputed builder of the Manor House.

The Manor of Bonham, which is situated entirely in the county of Somerset,





BONHAM HOUSE AND CHAPEL, CO. SOMERSET  
*From a Photograph, 1890.*



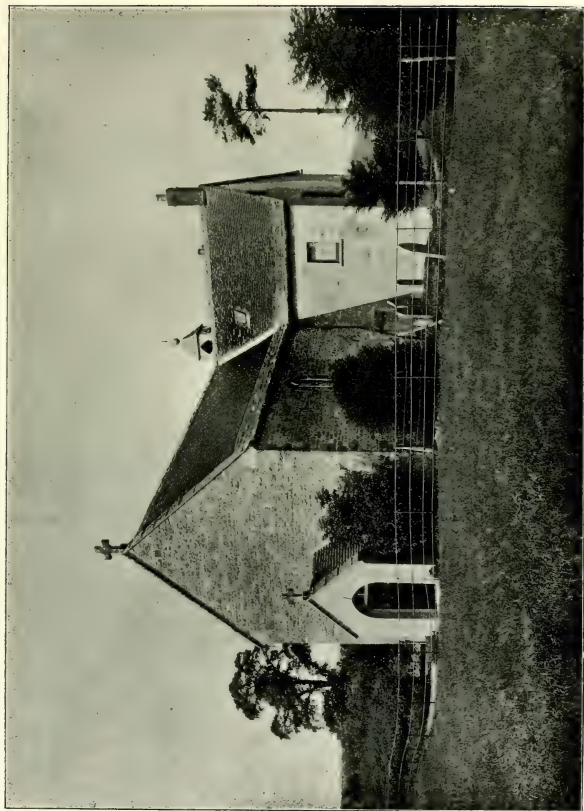
is a part of the parish of Stourton, which parish is in the counties of Somerset and Wilts. This Manor had been leased from the Bonham family who were the Lords of the fee. They had held it from at least 1356 down to the time of the 14th Lord Stourton, who purchased the fee of the Manor or Farm of Bonham from the Bonham family. This he entailed on the heirs male of himself, and in default (which event happened) on his brother, the Honourable Charles Stourton, and his heirs male. The Manor had been formerly leased to William, 7th Lord Stourton, and Charles, 8th Lord Stourton, and then again, after an interval of some years, to Thomas, 14th Lord Stourton, who had the surrender of an old 21-years' lease from the Lessee of the Lord of Bonham, and obtained a new grant for 21 years from the Lord of the fee direct, prior to purchasing the fee of the Manor as has been previously stated. Under his recusancy, the Bonham Estate is found to have been dealt with. The estate had then descended in regular succession to Lord Stourton from his ancestor, the Honourable Charles Stourton. In 1785, Charles Philip, Lord Stourton sold for £7,288 the Manor and lands of Bonham to the Hoare family who were already the possessors of the lands and Manors of Stourton and Stourton-Caundle. The following are the details of the sale of Bonham to the Hoare family :

"By Indenture dated the 2nd of July 1785 made between Anthony Wright Francis Wright and Thomas Wright all of Henrietta Street in the Parish of St. Paul Covent Garden in the County of Middlesex Bankers of the 1st part\* The Right Honorable Charles Philip Lord Stourton Baron of Stourton in the County of Wilts of the 2nd part and Henry Hoare of Clapham in the County of Surrey Esquire of the 3rd part And in consideration of £2000 paid to the said Anthony Wright Francis Wright and Thomas Wright by the said Henry Hoare at the request and by the direction of the said Charles Philip Lord Stourton And also in consideration of the sum of £5288 to the said Charles Philip Lord Stourton well and truly paid by the said Henry Hoare the said Lord Stourton sold and conveyed to the said Henry Hoare All that the Manor or Lordship or reputed Manor or Lordship of Bonham in the County of Somerset And all and singular the messuages or tenements and farm buildings yards gardens orchards lands meadows pastures feedings waters watercourses commons and common of pasture wastes waste grounds trees woods and underwoods and the ground and soil thereof rents services Courts leet Courts baron perquisites and profits of courts heriots waifs estrays fines services amerciaments royalties privileges advantages emoluments hereditaments rights members appurtenances to the said Manor or Lordship or reputed Manor or Lordship belonging or in anywise appertaining or therewith held used occupied possessed or enjoyed or accepted reputed taken or known as part parcel or member thereof situate lying and being

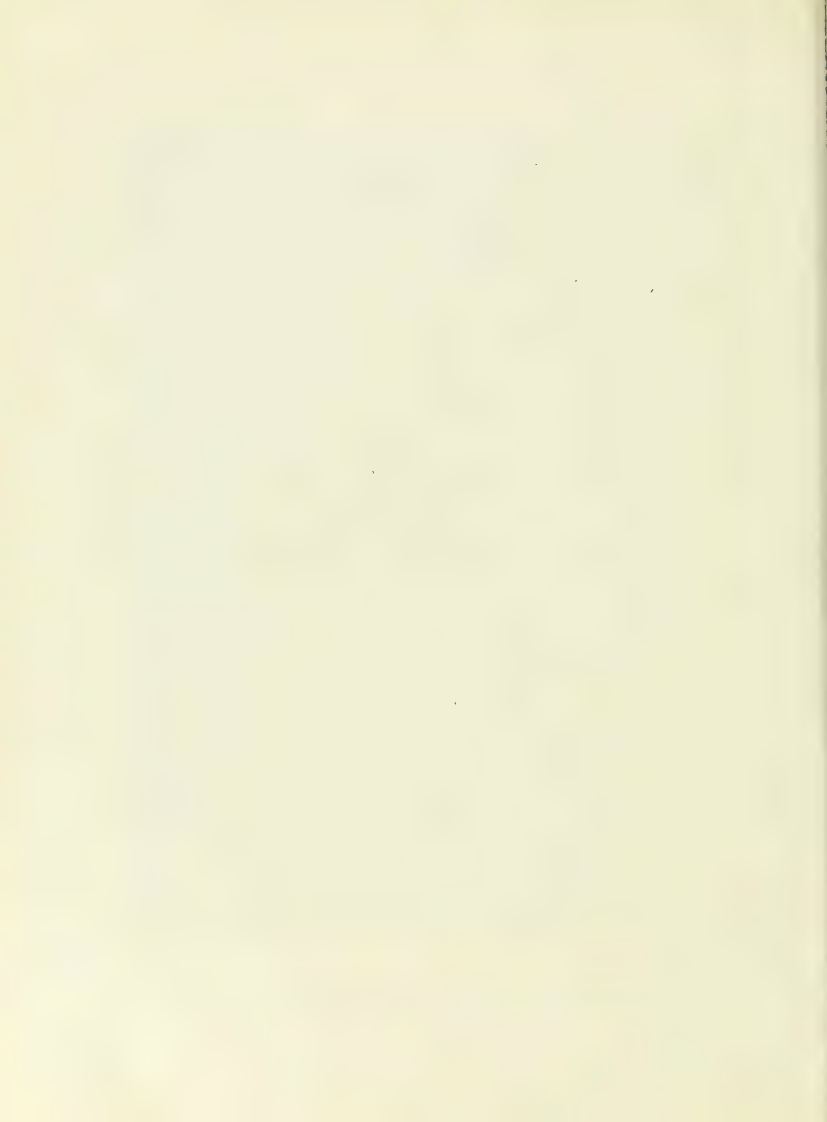
\* Mortgagees.

in the Parish of Stourton in the said County of Somerset And also all that yearly rent of £3. 17. 0. issuing and payable out of from or for certain messuages lands tenements and hereditaments situate lying and being in the said Parish of Stourton which are mentioned and comprised in the aforesaid Indenture of the 6th day of December 1783 (Save and except and always reserved out of these Presents and the Grant and Conveyance hereby made or intended so to be unto the said Charles Philip Lord Stourton his heirs and assigns for ever All that messuage or dwellinghouse wherein Mr. Charles Booth now doth and Mr. John Panting did lately dwell and the small stable thereto belonging and adjoining at the East end of the Barn there standing And also all that Court Yard containing together with the scite of the said dwellinghouse and stable 23 perches situate to the North side of the said dwellinghouse and in the Map or Plan thereof lately taken marked No. 12 And also All that piece or parcel of garden land containing in the whole one rood South of the said dwellinghouse, and in the said Map or Plan marked No. 11 Which Court Yard and Garden are now in the occupation of the said Charles Boothe And also All that piece or parcel of ground called the Orchard containing 0a. 2r. 7p. situate East South East of the said dwellinghouse, and in the said Map marked No. 13 And also All that piece or parcel of land called the Paddock containing 1a. 1r. 0p. situate North and North East of the said dwellinghouse and in the said Map marked No. 8 And also full and free liberty of ingress egress and regress for the said Charles Philip, Lord Stourton, his heirs and assigns for ever into a certain parcel of land called the Fold Yard adjoining North and North West of the said dwellinghouse and in the said Map marked No. 7 with the full and free benefit, and advantage of the Water Well within the said Fold Yard which together with the said Orchard and Paddock were late in the occupation of Francis Shepherd deceased) And the reversion and reversions remainder and remainders rents issues and profits of the said Manor or Lordship or reputed Manor or Lordship messuages or tenements farms lands rents and hereditaments hereinbefore released or mentioned or intended so to be and every of them and every part and parcel thereof And all the estate right title interest use property claim and demand whatsoever of them the said Anthony Wright Francis Wright Thomas Wright and Charles Philip Lord Stourton of in to or out of the same Manor or Lordship or reputed Manor or Lordship messuages or tenements farms lands rent and hereditaments and every or any of them and every or any part or parcel thereof

And also in consideration of 10/- paid by Henry Hoare to Charles Philip Lord Stourton Lord Stourton granted All that messuage or tenement garden



BONHAM HOUSE AND CHAPEL, CO. SOMERSET.  
*From a Photograph, 1899.*



plot and close of Meadow thereunto belonging containing by estimation 2 acres be the same more or less now or heretofore called by the name of French Cliffe and now or heretofore in the possession of Joseph Turner And all that Meadow with the appurtenances now or heretofore called Harwell or Spring Mead containing by estimation 1a. 2r. op. be the same more or less now or late in the possession of the said Henry Hoare And all that Coppice or Wood Land now or heretofore called Top Wood containing by estimation 8 acres be the same more or less heretofore in the possession of William late Lord Stourton and afterwards of the said Henry Hoare And all that close of Meadow adjoining containing 2 acres be the same more or less lying next to the lands now or late of the said Henry Hoare heretofore in the possession of William Bracher formerly part of and taken from another close of pasture heretofore also in the possession of the said William Bracher All which said premises are situate in the aforesaid Manor of Bonham and Parish of Stourton in the Counties of Somerset and Wilts or one of them And all other the lands and hereditaments wheresoever situate lying and being on the said Manor and Parish or either of them whereof or wherein the said Charles Philip Lord Stourton or any person or persons in trust for him hath or have or is or are entitled to any estate of freehold or inheritance in possession reversion remainder or expectancy And all ways paths passages waters watercourses hedges ditches mounds fences profits commodities advantages and appurtenances whatsoever to the said messuage or tenement closes lands hereditaments and premises or any of them belonging or appertaining or therewith or with any of them held used exercised or enjoyed And the reversion and reversions remainder and remainders rents issues and profits thereof and of every part and parcel thereof And all the estate right title interest use trust property claim and demand whatsoever of the said Charles Philip Lord Stourton of in and to the same messuage or tenement closes land hereditaments and premises and every or any of them and every or any part or parcel thereof"

The dwelling-house and land have never paid Parochial Rates, Tithes, or Church Rates of any kind. The tenant of Bonham Farm has always paid them presumably by direction of Sir Richard Colt Hoare. This was supposed to have been the stipulation when Charles Philip, Lord Stourton, sold Bonham Farm to Henry Hoare, Esquire, although it is stated that there are no writings yet found to prove it. The present Lord Mowbray, Segrave and Stourton does not pay, and never remembers to have heard from his late father that he had paid.

This reservation was made by Lord Stourton in order to preserve the Catholic chapel at Bonham for the use of the parochial inhabitants professing the Catholic



faith. It is still the property of Lord Mowbray, Segrave and Stourton, who, in addition, partly supports the Catholic school. The illustration herein of Bonham House does not include the whole of it, but only that part which still belongs to Lord Mowbray and Stourton. This includes the chapel and the portion occupied by the Chaplain. Part of the house, of course, passed at the sale of the manor, and is now occupied as a farmstead. It appears from the Records of the Society of Jesus that it was under the care of the College of St. Thomas of Canterbury during many years, down to the death, in 1783, of Father John Panting, who lies buried in the adjoining churchyard of Stourton. The Benedictine Fathers have provided a Chaplain since that date. The "Old English Catholic Missions" show that the Jesuits had previously supplied a Chaplain, for the entry runs: "Defuncti Societatis Jesu Sacerdotes et Fratres Laici—1783, 30 May, John Panting, S. . . . Bonham." The Reverend John W. Richards, O.S.B., is now (1898) the resident Chaplain, and the Catholic school has an average daily attendance of fifteen children. In speaking of the Catholic chapel at Bonham, Sir Richard Colt Hoare says that it bears marks of early architecture, while Phelps states that it forms part of the farm manor-house, being neatly fitted up with comfortable lodgings for the clergyman, who resides and officiates regularly. Kelly's Directory adds that it is a plain building of stone, and was in 1882 re-roofed and otherwise repaired by the then Lord Mowbray, Segrave and Stourton, the owner. The "Catholic Directory" gives the date of the foundation of the Mission at Bonham as 1640. The chapel at Bonham is dedicated to St. Benedict.

With the exception of the very small quantity (2 ac. or 30 p.) reserved as above for the purpose of ensuring the permanence of Catholic worship in the neighbourhood, the last of the formerly enormous estates of the Lords Stourton in the counties of Somerset, Wilts. and Dorset, were alienated by this sale of the manor and lands of Bonham.

Charles Philip, Lord Stourton, presided on Thursday, the 1st of February, 1816, over a meeting of English Catholics at St. Alban's Tavern, for the purpose of endeavouring to remove some of the disabilities under which they then continued to suffer.\*

"The finances of Father Albert Underhill were materially ameliorated by the generosity of Lord Stourton, so that when he made his report to the Provincial, 26 February, 1807, they appeared in a favourable condition; Lord Stourton allowed him an annual salary of £30, with £5 for the poor, and £5 for the chapel," which he built at Leeds, where Protestant bigotry was then [1805] most bitter.†

\* Extracted from the Report of the Meeting in the *Gentleman's Magazine*.

† Extracted from the "Old English Catholic Missions."

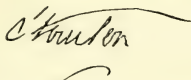




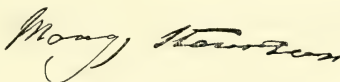
THE INTERIOR OF BONHAM CHAPEL, CO. SOMERSET  
*From a Photograph, 1885.*



On page 568 will be found a facsimile of the signature of Charles Philip, Lord Stourton, from his own marriage settlement, before his succession to the Peerage. The following, as Lord Stourton, is from a photograph of his signature to an agreement :



The following facsimile of the signature of Mary, Lady Stourton, is from a photograph taken from her will :



Charles Philip, 17th Lord Stourton, died on the 29th of April, 1816, at Allerton Park, and was buried on the 6th of June following in the parish church of Allerton Mauleverer. But in 1862 his body was removed under a faculty, together with the remains of other members of the family, to the vault under the Catholic chapel at Allerton Park, where the remains now repose. The Inscription on the coffin-plate reads :

" The Right Hon<sup>ble</sup>  
Charles Philip  
Lord Stourton  
Ætat 64 years  
Ob<sup>d</sup> April 29<sup>th</sup>  
1816 "

The following is an Inscription on a marble slab removed from the parish church, and now in the vault under the chapel at Allerton Park :—

" M. S.  
Caroli Philippi Domini Stourton,  
Baronum Ejusdem Stirpis Dec. Sext.\*  
Qui Sibi Suisque  
Hic, Allertonæ Maleverer,  
Delegit Sedem,  
Viri Omni Laude Dignissimi.  
Sed Ut Funus Pompa,  
Sic Et Marmor Laudibus  
Carere Voluit :  
Immortalibusque Inhians Honoribus,  
Mortales Fugit.  
Defuncti Spes Superstitum Solamen.  
Obiit Anno Ætatis 64 : Christi 1816 :  
Mense Aprilii Die Vigesimo Nono.  
Patri Optimo Gulielmus Filius  
F. C.<sup>h</sup>

\* In reality the 17th Lord Stourton.

The following is a copy of the will of Charles Philip, 17th Lord Stourton, extracted from the Principal Registry of the Probate Divorce and Admiralty Division of the High Court of Justice, in the Prerogative Court of Canterbury.

"This is the last Will and Testament of me the Right Honorable Charles Philip Lord Stourton Baron of Stourton in the County of Wilts Whereas by an Indenture bearing date the thirty first day of July one thousand eight hundred and thirteen and made between me the said Charles Philip Lord Stourton of the first part The Honorable Edward Marmaduke Stourton my second son of the second part James Fox Esquire of the third part Marcia Fox spinster of the fourth part and the Honorable William Stourton my eldest son and George Lane Fox Esquire of the fifth part After reciting or noticing amongst other things that a marriage was then intended to be had and solemnized between the said Edward Marmaduke Stourton and Marcia Fox and that it was upon the treaty for the said marriage agreed that I should in manner thereafter mentioned secure to the said William Stourton and George Lane Fox their executors administrators and assigns an annual sum of one thousand five hundred and fifty six pounds to commence from the solemnization of the said then intended marriage and to be payable during the lives of me the said Charles Philip Lord Stourton and of Mary Lady Stourton my wife and the life of the survivor of us Upon the trusts thereafter declared or referred to but subject to such provisos as are thereafter contained for determining the payment of the same annual sum and also noticing that in pursuance and part performance of my said Agreement I had that day transferred the sum of five thousand four hundred pounds Bank four per cent annuities into the joint names of the said William Stourton and George Lane Fox It is witnessed that in pursuance and further performance of my said agreement I the said Charles Philip Lord Stourton did assign transfer and set over unto the said William Stourton and George Lane Fox their executors administrators and assigns the several principal sums of two thousand three hundred pounds seven hundred pounds one thousand pounds one thousand pounds one thousand pounds two thousand pounds and ten thousand pounds respectively secured to me by way of mortgage on parts of the hereditaments comprised in the next hereinafter recited Indenture and all interest thenceforth to become due for the same sums respectively To hold receive and take the same unto the said William Stourton and George Lane Fox their executors administrators and assigns and by the said Indenture now in recital and a lease for a year bearing date the day next before the day of the date thereof all the hereditaments comprised in the several mortgages by which the said several principal sums of two thousand three hundred pounds seven hundred pounds one

thousand pounds one thousand pounds one thousand pounds two thousand pounds and ten thousand pounds and the interest thereof respectively were respectively secured with their appurtenances were respectively assigned and conveyed by me the said Charles Philip Lord Stourton to the said William Stourton and George Lane Fox their heirs executors administrators and assigns respectively according to the nature of the estates therein respectively subject nevertheless to the right or equity of redemption then subsisting or capable of taking effect in the same premises respectively under or by virtue of the said mortgages of the same premises respectively and by the indenture now in recital in pursuance and further performance of my said agreement I did demise unto the said William Stourton and George Lane Fox their executors administrators and assigns all the tithes of corn and grain arising out of and upon all and every my farms lands and grounds within the parish of Rothwell in the West Riding of the said County of York (except such parts of my said farms lands and grounds as are called Saint Clements otherwise Clemitts land) and also one third part of the corn and grain arising out of and upon the said lands and grounds called St. Clements otherwise Clemitts land with their appurtenances To hold the same unto the said William Stourton and George Lane Fox their executors administrators and assigns for the term of eight hundred years upon the trusts therein after declared and it was thereby agreed that the said William Stourton and George Lane Fox their executors administrators and assigns should stand and be possessed of and interested in the said sum of five thousand four hundred pounds Bank four per cent annuities and also of and in the said sums of two thousand three hundred pounds seven hundred pounds one thousand pounds one thousand pounds one thousand pounds two thousand pounds and ten thousand pounds and the interest thereof respectively and also of and in the said tithes and part or proportion of tithes for the term of eight hundred years from and after the solemnization of the said then intended marriage Upon trust that they the said William Stourton and George Lane Fox and the survivor of them and the executors administrators or assigns of such survivor should by and out of the dividends of the said sum of five thousand four hundred pounds Bank four per cent annuities and the interest of the said several principal sums of two thousand three hundred pounds seven hundred pounds one thousand pounds one thousand pounds one thousand pounds two thousand pounds and ten thousand pounds and the rents issues and profits of the said tithes and part or proportion of tithes or by the other ways or means therein mentioned levy and raise for and during the lives of me the said Charles Philip Lord Stourton and of the said Mary Lady Stourton my wife and the life of the

survivor of us One clear annuity or yearly sum of one thousand five hundred and fifty six pounds without any deduction or abatement whatsoever (except the property tax) by equal half yearly payments the first half yearly payment thereof to be made at the expiration of six calendar months next after the solemnization of the said then intended marriage and should stand and be possessed of and interested in the said annuity or yearly sum of one thousand five hundred and fifty six pounds so to be raised as aforesaid Upon such trusts as were or should be expressed or declared of or concerning the same in and by an indenture therein mentioned to be then prepared and engrossed and to bear or intended to bear even date therewith and to be made or be intended to be made between me the said Charles Philip Lord Stourton and the said Mary Lady Stourton of the first part the Honorable Elizabeth Butler of the second part the Right Honorable Apollonia Dowager Lady Clifford of the third part the said William Stourton of the fourth part the said Edward Marmaduke Stourton of the fifth part the said James Fox of the sixth part the said Marcia Fox of the seventh part the said William Stourton and George Lane Fox of the eighth part Bernard Edward Howard of Farnham in the county of Suffolk esquire and William Morton Pitt of Kingston House in the county of Dorset Esquire of the ninth part Joseph Weld of Pilewell in the county of Southampton Esquire and the Right Honorable George Lord Rivers Baron Rivers of Stratfield Say in the said county of Southampton and of Sudeley Castle in the county of Gloucester of the tenth part Sir Thomas Vavasour of Hazlewood in the said county of York Baronet and Henry Seymer of Handford in the said county of Dorset Esquire of the eleventh part and Thomas Clifford of Tixall in the county of Stafford Esquire and William Augustus Lane Fox Esquire of the twelfth part But it was by the said Indenture now in the recital agreed and declared that if I the said Charles Philip Lord Stourton and either of them the said Elizabeth Butler and Apollonia Lady Clifford should respectively depart this life during the life time of the said Mary Lady Stourton then and in such case from and immediately after the decease of the survivor of me the said Charles Philip Lord Stourton and such one of them the said Elizabeth Butler and Apollonia Lady Clifford as should first depart this life the said annuity or yearly sum of one thousand five hundred and fifty six pounds thereinbefore secured should absolutely cease and determine And it was by the said Indenture now in recital also agreed and declared that if both of them the said Edward Marmaduke Stourton and Marcia Fox should die during the life of me the said Charles Philip Lord Stourton and of the said Mary Lady Stourton or of the longest liver of us and there should not be any child of the said Edward



Marmaduke Stourton by the said Marcia Fox living at the decease of the survivor of them the said Edward Marmaduke Stourton and Marcia Fox or there should be any such child or children living at the decease of such survivor and there should afterwards happen a failure of children of the said Edward Marmaduke Stourton by the said Marcia Fox at any time before the decease both of me and the said Mary Lady Stourton then and in such case and immediately after the decease of the survivor of them the said Edward Marmaduke Stourton and Marcia Fox and such default and failure of children as aforesaid the said annuity or yearly sum of one thousand five hundred and fifty six pounds should absolutely cease and determine and it was by the said Indenture now in recital further agreed and declared that subject to the trust thereinbefore expressed and hereinbefore mentioned for raising the said annuity or yearly sum of one thousand five hundred and fifty six pounds the said William Stourton and George Lane Fox their executors administrators and assigns should stand and be possessed of and interested in the said sum of five thousand four hundred pounds Bank four per cent annuities and the dividends thereof and the said several principal sums of two thousand three hundred pounds seven hundred pounds one thousand pounds one thousand pounds one thousand pounds two thousand pounds and ten thousand pounds and the interest thereof respectively In trust for me the said Charles Philip Lord Stourton my executors administrators and assigns and should stand and be possessed of and interested in the said tithes and part or proportion of tithes In trust for me the said Charles Philip Lord Stourton my heirs and assigns And whereas by Indenture of Lease and release bearing date respectively the thirtieth and thirty first days of July one thousand eight hundred and thirteen the release made or expressed to be made between me the said Charles Philip Lord Stourton and the said Mary Lady Stourton of the first part the said Elizabeth Butler of the second part the said Apollonia Lady Clifford of the third part the said William Stourton of the fourth part the said Edward Marmaduke Stourton of the fifth part the said James Fox of the sixth part the said Marcia Fox of the seventh part the said William Stourton and George Lane Fox of the eighth part the said Bernard Edward Howard and William Morton Pitt of the ninth part the said Joseph Weld and George Lord Rivers of the tenth part the said Sir Thomas Vavasour and Henry Seymer of the eleventh part and the said Thomas Clifford and William Augustus Lane Fox of the twelfth part being the indenture referred to by the hereinbefore recited Indenture of equal date therewith all that the manor or lordship of Holme in Spalding Moor with its appurtenances in the east Riding of the said county of York and the Capital messuage or mansion house

of Holme aforesaid with its offices gardens and appurtenances and the demesne and other lands therewith held there in the occupation of me the said Charles Philip Lord Stourton and all and singular other the messuages farms lands and hereditaments then late the estate of the right Honourable Marmaduke Lord Langdale deceased situated in the several towns townships parishes and precincts of Holme in Spalding Moor aforesaid in Spenn Bulmer Arglam Bursea Boilby otherwise Bailby Latham and Bubwith some or one of them in the said East Riding of the said County and all and every the sum and sums of money charged upon and issuing and payable for the same hereditaments or any of them for or in lieu of the land tax thereof which had been redeemed or purchased by me and the said Mary Lady Stourton Elizabeth Butler Apollonia Lady Clifford and William Stourton or any of us And also all that the manor or lordship of Draycott with its rights members and appurtenances in the county of Stafford and the capital and other messuages lands and hereditaments then late of the estate of the said Marmaduke Lord Langdale situate in the several towns townships precincts or territories of Draycott Painsley Creswell Mewton Leigh and Checkley some or one of them in the said county of Stafford and all and every the sum and sums of money charged upon or issuing and payable for the said last mentioned hereditaments or any of them for or in lieu of the land tax thereof which had been redeemed or purchased by me and the said Mary Lady Stourton Elizabeth Butler Apollonia Lady Clifford and William Stourton or any of us And also all that the advowson and right of patronage in and to the Church of Draycott aforesaid with the appurtenances were limited and assured (subject and without prejudice to the several mortgages thereof respectively hereinbefore mentioned or referred to and subject to certain other mortgages for securing the several principal sums of three thousand pounds and three thousand pounds with interest for the same sums respectively And subject also to certain estates and interests thereby limited in two undivided third parts of the same manors and other hereditaments to the use of the said Elizabeth Butler and Apollonia Lady Clifford for their respective lives with remainder to their respective first and other sons successively in tail male) To the uses Upon the trusts and for the intents and purposes thereafter declared and in part hereinafter mentioned that is to say To the use of me the said Charles Philip Lord Stourton and my assigns during my life with remainder to trustees to preserve contingent remainders with remainder to the use of the said Joseph Weld and George Lord Rivers their executors administrators and assigns for the term of ninety nine years to commence and be computed from the day next before the day of the date of the said Indenture now in recital Upon trust



amongst other things to raise the annual sum of three hundred and thirty four pounds for the separate use of the said Marcia Fox by way of pin money with remainder to the use of the said Mary Lady Stourton and her assigns during her life without impeachment of waste with remainder to trustees and their heirs during the life of the said Mary Lady Stourton In trust to preserve contingent remainders with remainder To the use of the said Edward Marmaduke Stourton and his assigns during his life without impeachment of waste with remainder to trustees and their heirs during the life of the said Edward Marmaduke Stourton In trust to preserve contingent remainders with remainder To the use intent and purpose that the said Marcia Fox in case she should survive me and the said Mary Lady Stourton and Edward Marmaduke Stourton might from and after the decease of the survivor of us receive and take during her life one annual sum or yearly rent charge of one thousand six hundred and sixty seven pounds payable as therein mentioned for her jointure and in lieu of dower with usual powers of distress and entry and a term of two hundred years thereby limited to the said Sir Thomas Vavasour and Henry Seymer their executors, administrators and assigns for better securing the payment of the said annual sum or yearly rent charge when in arrear with remainder To the use of the said Thomas Clifford and William Augustus Lane Fox their executors administrators and assigns for the term of one thousand years Upon trust for raising portions for the daughters and younger sons of the said Edward Marmaduke Stourton by the said Marcia Fox to wit the sum of ten thousand pounds if only one such child and the sum of twenty thousand pounds for the portions of two or more such children with remainder to the use of the first and every other son of the said Edward Marmaduke Stourton by the said Marcia Fox severally and successively in tail male with remainder To the use of the first and every other son of the said Edward Marmaduke Stourton by any woman or women whom he might marry after the decease of the said Marcia Fox severally and successively in tail male with remainder to the use of me the said Charles Philip Lord Stourton my heirs and assigns for ever And in the said Indenture now in recital there is contained a proviso whereby it was agreed and declared that if at any time after the solemnization of the said then intended marriage any of the freehold estates then of or belonging to the said Sir Thomas Vavasour in the said county of York and which should be of the annual value of three thousand pounds or upwards should by the last will and testament of the said Sir Thomas Vavasour or by any other means be devised or settled To the use of or upon the first and other sons of the body of the said Edward Marmaduke Stourton successively in tail male or in tail general either

in possession or in remainder immediately expectant upon and after the decease of him the said Edward Marmaduke Stourton then and in such case and immediately thereupon the uses and estates thereinbefore limited or created of and in the said Manor or lordship and other hereditaments in the said county of York thereinbefore limited in strict settlement (except the uses and estates which preceded the limitation thereinbefore contained to the said Edward Marmaduke Stourton and his assigns during his life and also except the said annual sum or yearly rent charge of one thousand six hundred and sixty seven pounds thereinbefore limited to the said Marcia Fox and the powers and remedies and term of years for securing the payment thereof and the said term of one thousand pounds thereinbefore limited or created for raising portions for the younger children of the said then intended marriage or such of them as should be subsisting) should cease and determine and then and in such case and immediately thereupon the said manor or lordship and other hereditaments in the said East Riding of the said county of York thereinbefore limited in strict settlement with their rights members and appurtenances (subject and without prejudice to the uses and estates thereinbefore limited or created which preceded the use or estate thereinbefore limited to the said Edward Marmaduke Stourton and his assigns during his life and also subject and without prejudice to the said Annual sum or yearly rent charge of one thousand six hundred and sixty seven pounds and the said powers and remedies and term of years for enforcing the payment thereof and the said term of one thousand years and the trusts thereinbefore declared of the same And also subject and without prejudice to any charges uses or estates which might have been created or limited under any of the powers thereafter contained should go and remain to the use of me the said Charles Philip Lord Stourton my heirs and assigns for ever And it was by the said Indenture now in recital further agreed and declared that in case the uses or estates thereinbefore limited or concerning the said manor or lordship and other hereditaments in the said East Riding of the said county of York (except as aforesaid) should cease or determine under the proviso last thereinbefore contained and hereinbefore mentioned then and in such case as between my heirs and assigns and the person or persons for the time being entitled under the limitations thereinbefore contained to the said manor or lordship and other hereditaments in the said county of Stafford thereinbefore limited in strict settlement the said last mentioned manor or lordship and other hereditaments (subject and without prejudice to the uses and estates thereinbefore limited to or in trust for the said Elizabeth Butler and Apollonia Lady Clifford respectively during their respective lives and to their respective issue) should be the primary

security for the payment of the said annual sum of three hundred and thirty four pounds provided for the separate use of the said Marcia Fox by way of pin money under the trusts of the said term of ninety nine years and for the payment of the said annual sum or yearly rent charge of one thousand six hundred and sixty seven pounds thereinbefore limited to the said Marcia Fox and for the payment of the sum or sums of money either annual or in gross which should become raiseable or payable in exercise of any of the powers thereinafter contained and by the said Indenture now in recital the said Charles Philip Lord Stourton did grant release and confirm unto the said Bernard Edward Howard and William Morton Pitt and their heirs all those the messuages or tenements cottages farms closes and pieces or parcels of land situate at or near Holme aforesaid then or then late in the several occupations of George Anderson William Camp Henry Cobb Robert Grisewood John Hewby Charles Randerson the said William Stourton and John Watt with the appurtenances To hold the said Bernard Edward Howard Morton Pitt and their heirs from and after the solemnization of the said then intended marriage To the uses Upon and for the trusts intents and purposes and with under and subject to the powers provisoes agreements and declarations thereinbefore limited expressed or declared of and concerning such parts of the said manor and other hereditaments in the said county of York as were thereinbefore limited immediately after the solemnization of the said then intended marriage To the use of me the said Charles Philip Lord Stourton and my assigns for my life with remainder over as aforesaid And whereas the marriage between the said Edward Marmaduke Stourton and Marcia Fox soon afterwards took effect and was solemnized And whereas I am desirous that my reversion in fee of and in such of the said hereditaments and premises comprised in the said last hereinbefore recited Indenture as are situate lying and being in the said East Riding of the county of York should be limited and settled in the manner hereinafter expressed Now I do hereby give and devise unto Thomas Davison Bland of Kippax Park in the said county of York Esquire and Peter Middelton of Stockeld Park in the same county Esquire and their heirs all that the said manor or lordship of Holme in Spalding Moor aforesaid with its appurtenances in the said East Riding of the said county of York and all that the said capital messuage or mansion house of Holme aforesaid with its offices gardens and appurtenances and the demesne and other lands usually held therewith and all and singular other the messuages farms lands and hereditaments late the estate of the said Marmaduke Lord Langdale deceased situate in the several towns townships parishes and precincts of Holme in Spalding Moor aforesaid in Spenn Bulmer Arglam Bursea Barsey

Boilby otherwise Beilby Latham and Bubwith aforesaid or any of them which are mentioned and comprised in the said last hereinbefore recited Indenture of the thirty first day of July one thousand eight hundred and thirteen until their appurtenances and all and every the sum and sums of money charged upon and issuing and payable for the same hereditaments or any of them for or in lieu of the land tax thereof which was redeemed or purchased by me and the said Mary Lady Stourton Elizabeth Butler Apollonia Lady Clifford and William Stourton or any of us as in the said last recited indenture and hereinbefore is mentioned And also all those the said messuages or tenements cottages farms closes and pieces or parcels of land situate at or near Holme aforesaid now or heretofore in the several occupations of the said George Anderson William Camp Henry Cobb Robert Grisewood John Hewby Charles Randerson William Stourton and John Watt with their appurtenances To have and to hold the said manor or lordship capital and other messuages farms lands hereditaments and premises (subject nevertheless to the several uses and trusts thereof declared in and by the said last hereinbefore recited Indenture) unto the said Thomas Davison Bland and Peter Middleton their heirs and assigns To the several uses Upon the trusts and for the intents and purposes and under and subject to the provisoes and declarations hereinafter limited expressed or contained of or concerning the same that is to say to the use of Marmaduke Maxwell Constable Maxwell of Everingham in the said County of York Esquire and the said Bernard Edward Howard their executors administrators and assigns for and during the term of two thousand years to be computed from the day of my decease and henceforth next ensuing and fully to be compleat and ended without impeachment of or for any manner of waste Upon and for the trusts Intents and purposes and under and subject to the proviso hereinafter expressed or contained of and concerning the same term and from and after the expiration or sooner determination of the said term of two thousand years and in the mean time Subject thereto and to the trusts thereof to the use of my third son the Honorable Charles Stourton and his assigns for and during the term of his natural life without impeachment of or for any manner of waste and from and after the determination of that estate by forfeiture or otherwise in his lifetime To the use of the said Thomas Davison Bland and Peter Middleton and their heirs during the natural life of the said Charles Stourton Upon trust to preserve the contingent uses and estates hereinafter limited from being defeated or destroyed And for that purpose to make entries and bring actions as occasion shall require but nevertheless to permit and suffer the said Charles Stourton and his assigns during

his life to receive the rents issues and profits of the same premises for his and their proper use and benefit And immediately from and after the decease of the said Charles Stourton To the use of the first and every other son of the body of the said Charles Stourton lawfully to be begotten severally and successively and in remainder one after another in order and course as they shall respectively be in priority of birth and the heirs male of the body and respective bodies of all and every such son and sons issuing the elder of such sons and the heirs male of his body issuing being always to take before and be preferred to the younger of such sons and the heirs male of his and their body and respective bodies issuing and for want of such issue to the use of Thomas Weld of Lulworth Castle in the county of Dorset Esquire and the said Joseph Weld their executors administrators and assigns for and during the term of three thousand years to be computed from the decease of the said Charles Stourton and such failure of issue male of his body as hereinbefore is mentioned and thenceforth next ensuing and fully to be compleat and ended without impeachment of or for any manner of waste Upon and for the trusts Intents and purposes and under and subject to the proviso hereinafter expressed and contained of and concerning the same term and from and after the expiration or sooner determination of the said term of three thousand years and in the mean time subject thereto and to the trusts thereof To the use of the Honorable Philip Stourton my fourth son and his assigns for and during the term of his natural life without impeachment of or for any manner of waste And from and after the determination of that estate by forfeiture or otherwise in his lifetime To the use of the said Thomas Davison Bland and Peter Middelton and their heirs during the natural life of the said Philip Stourton Upon trust to preserve the contingent uses and estates hereinafter limited from being defeated or destroyed and for that purpose to make entries and bring actions as occasion shall require but nevertheless to permit and suffer the said Philip Stourton and his assigns during his life to receive the rents issues and profits of the same premises for his and their proper use and benefit And immediately from and after the decease of the said Philip Stourton To the use of the first and every other son of the body of the said Philip Stourton lawfully to be begotten severally and successively and in remainder one after another in order and course as they shall respectively be in priority of birth and the heirs male of the body and respective bodies of all and every such son and sons issuing the elder of such sons and the heirs male of his body issuing being always to take before and to be preferred to the younger of such sons and the heirs male of his and their body and respective bodies issuing and for want of



such issue To the use of my said son William Stourton his heirs and assigns for ever And I do hereby declare that the said manor and other hereditaments are hereby limited to the said Marmaduke Maxwell Constable Maxwell and Bernard Edward Howard their executors administrators and assigns for the said sum of thousand years Upon the trusts and for the intents and purposes hereinafter expressed of and concerning the same that is to say Upon trust that they the said Marmaduke Maxwell Constable Maxwell and Bernard Edward Howard or the survivor of them or the executors administrators do and shall by sale or mortgage or any other disposition of the said Manor hereditaments and premises comprised in the said term or any part thereof for all or any part of the same term or by and out of the rents issues and profits thereof or by bringing actions against the tenants or occupiers of the same premises for the rents in arrear or by more than one of or by all the ways and means hereinbefore mentioned or by any other reasonable ways or means levy and raise the sum of eight thousand pounds of lawful English money and do and shall lay out and invest the same in the purchase of freehold lands of inheritance to be situated in some part of England Scotland or Ireland And do and shall settle and assure or cause to be settled and assured the lands and hereditaments so to be purchased as aforesaid To the uses upon the trusts and for the intents and purposes hereinafter expressed and declared of and concerning the same that is to say To the use of my said son Philip Stourton and his assigns for and during the term of his natural life without impeachment of waste and from and after his decease To the use of the first and every other son of him the said Philip Stourton severally and successively according to their respective seniorities in tail male And in default of such issue To the use of my said son William Stourton his heirs and assigns for ever And I do hereby direct that in the settlement hereinbefore directed to be made of the lands and hereditaments so directed to be purchased as aforesaid proper limitations shall be inserted for preserving the contingent remainders to be created thereby And I do hereby declare my will and mind to be that in the mean time and until such purchase or purchases shall be made as aforesaid the said Marmaduke Maxwell Constable Maxwell and Bernard Edward Howard or the survivor of them or the executors administrators or assigns of such survivor as and shall lay out and invest the said sum of eight thousand pounds in the purchase of a competent share or competent shares of the parliamentary stocks or public funds of Great Britain or at interest upon Government or real securities in England and do and shall from time to time alter vary and transpose the said stocks funds and securities as occasion shall require and do and shall pay the interest dividends and annual produce of the

said stocks funds and securities to the person or persons who would for the time being be entitled to the rents of the lands and hereditaments to be purchased therewith if the same were then actually purchased and settled conformably to the trusts and directions of this my will Provided always and I do hereby declare my will and mind to be that from and immediately after the trusts of the said term of two thousand years shall be fully performed and satisfied and the said Marmaduke Maxwell Constable Maxwell and Bernard Edward Howard and each of them and their respective executors administrators and assigns shall be fully reimbursed and satisfied all costs charges and expences if any to be occasioned by or relating to the trusts hereby reposed in them as aforesaid the same term shall as to such of the hereditaments comprised therein as shall not have been sold or mortgaged for the purposes aforesaid absolutely cease and determine and as to such of the hereditaments as shall have been mortgaged for the purposes aforesaid shall (subject to such mortgage) wait upon and attend the freehold and inheritance so mortgaged And I do hereby declare that the said Manor and other hereditaments are hereby limited to the said Thomas Weld and Joseph Weld their executors administrators and assigns for the said term of three thousand years Upon the trusts and for the intents and purposes herein-after declared of and concerning the same that is to say Upon trust that they the said Thomas Weld and Joseph Weld or the survivor of them or the executors administrators or assigns of such survivor do and shall by sale mortgage or any other dispositions of the said Manor and other hereditaments comprised in the said term or any part thereof for all or any part of the same term or by and out of the rents issues and profits thereof or by bringing actions against the tenants or occupiers of the same premises for the rents then in arrear or by more than one of or by all the ways and means hereinbefore mentioned or by any other reasonable ways or means levy and raise the sum of seventeen thousand pounds of lawful English money and do and shall apply and dispose of the sum of eight thousand pounds part thereof in payment of the sum of eight thousand pounds hereinafter directed to be raised by mortgage of my tithes in the parish of Rothwell aforesaid in order that the said tithes may thenceforth be held and enjoyed by the person or persons for the time being entitled thereto under or by virtue of this my Will freed and absolutely discharged from the mortgage hereinafter directed to be made thereof And do and shall pay the sum of nine thousand pounds the residue of the said sum of seventeen thousand pounds to my said son William Stourton his executors administrators or assigns for his and their proper use and benefit Provided always and I do hereby declare my will and mind to be that from and immediately after the trusts of the said

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term of three thousand years shall be fully performed and satisfied and the said Thomas Weld and Joseph Weld and each of them and their respective executors administrators and assigns shall be fully reimbursed and satisfied all costs charges and expences if any to be occasioned by or relating to the trusts hereby reposed in them as aforesaid the same term shall as to such of the hereditaments comprised therein as shall not have been sold or mortgaged for the purposes aforesaid absolutely cease and determine And as to such of the hereditaments as shall have been mortgaged for the purposes aforesaid shall (subject to such mortgage) wait upon and attend the freehold and inheritance of the hereditaments so mortgaged Provided always and I do hereby declare my will and mind to be that it shall and may be lawful to and for my said sons Charles Stourton and Philip Stourton when and as by virtue of the limitations hereinbefore contained they shall respectively be in the possession of or entitled to the rents issues and profits of the said manor and other hereditaments hereby devise by any deed or deeds or instrument or instruments in writing with or without power of revocation and new appointment to be by them respectively sealed and delivered in the presence of and to be attested by two or more credible witnesses or by their respective last wills and testaments in writing to be by them respectively signed and published in the presence of and to be attested by three or more credible witnesses (but subject and without prejudice to the uses and estates created by the said recited Indenture of release of the thirty first day of July one thousand eight hundred and thirteen which precede the use or estate thereby limited to me my heirs and assigns for ever And also subject and without prejudice to the said term of two thousand years hereby created and the trusts thereof) to limit and appoint to or in trust for any woman or women with whom they may respectively intermarry for the life or lives of such woman or women respectively for her or their jointure or jointures and in bar or without being in bar of her or their dower or dowers any annual sum or sums of money or yearly rent charge or yearly rent charges not exceeding in the whole the yearly sum of five hundred pounds of lawful English money to be issuing and payable out of and charged and chargeable upon all or any part of the said manor and other hereditaments hereinbefore devised clear of all taxes and outgoings whatsoever parliamentary or parochial (except for property tax) and to be paid in such manner as the said Charles Stourton and Philip Stourton respectively shall think proper And for the purpose of securing the annual sums or yearly rent charges so to be appointed as aforesaid to limit and appoint to the woman or women respectively to or for the benefit of whom the said annual sums or yearly rent charges shall be so appointed as aforesaid the usual



powers and remedies for recovering and enforcing payment thereof by distress entry and perception of rents issues and profits And also to limit and appoint the hereditaments so to be charged as aforesaid to any person or persons whomsoever for any term or terms of years for better securing the due payment of the same respectively but so that every such term or terms of years if any such shall be limited be made to determine on the death of the woman or women for the benefit of whom the same shall be created and the payment of her or their rent charge or rent charges respectively and the expences incurred by the nonpayment thereof respectively and that such limitation or limitations appointment or appointments respectively shall or may be made either before or after such marriage or respective marriages as to the said Charles Stourton and Philip Stourton respectively shall seem meet Provided also and I do hereby declare my will and mind to be that it shall and may be lawful to and for the said Charles Stourton and Philip Stourton when and as by virtue of the limitations hereinbefore contained they shall respectively be in the possession of or entitled to the rents issues and profits of the said Manors and other hereditaments herein devised by any deed or deeds or instrument or instruments in writing with or without power of revocation and new appointment to be by them respectively sealed and delivered in the presence of and to be attested by two or more credible witnesses or by their respective last wills and testaments or any codicil or codicils thereto to be by them respectively signed and published in the presence of and attested by three or more credible witnesses (but subject and without prejudice to the uses and estates created by the said recited Indenture of release of the thirty first day of July one thousand eight hundred and thirteen which precede the use or estate thereby limited to me my heirs and assigns for ever And also subject and without prejudice to the said term of two thousand years hereby created and the trusts thereof) to subject and charge all or any part of the said manor and other hereditaments hereinbefore devised to and with the payment of any sum or sums of money for the portion or portions of the child or children of their respective bodies (other than or besides an eldest or only son for the time being respectively entitled to the said manor and other hereditaments hereinbefore devised for an estate in tail male in possession or in remainder expectant on the decease of his parent) not exceeding in the whole the sum of five thousand pounds for the portion or portions of such child or children with interest for the same at any rate not exceeding five pounds for each one hundred pounds for a year The same principal money and interest to be paid to or shared and divided between or amongst such child or children at such age day or time or respective ages days or times and with such provisions for their

respective maintenance education and advancement and if more than one in such parts shares and proportions and with such annual sum or sums of money and limitations over such annual sum or sums of money and limitations over being for the benefit of one or more of such child or children respectively as the said Charles Stourton and Philip Stourton respectively shall think proper and shall by any deed or deeds or instrument or instruments in writing with or without power of revocation and new appointment to be by them respectively sealed and delivered in the presence of and attested by two or more credible witnesses or by their respective last wills and testaments or any codicil or codicils thereto to be by them respectively signed and published in the presence of and attested by three or more credible witnesses direct or appoint and that for the purpose of raising such portion or portions and interest for the same respectively it shall and may be lawful to and for the said Charles Stourton and Philip Stourton respectively by the same or any other deed or deeds instrument or instruments in writing so sealed delivered and attested as aforesaid or by such last will and testament in writing or any codicil or codicils thereto so signed published and attested as aforesaid (but subject and without prejudice as hereinbefore is mentioned) to limit or appoint all or any part of the hereditaments so to be charged as last hereinbefore is mentioned with their appurtenances to any person or persons whomsoever for any term or number of years whatsoever without impeachment of waste Upon trust to raise the money so to be charged by way of mortgage so that the estate or estates so to be limited or appointed be made to cease or be made redeemable on full payment of the sum or sums of money so to be charged and the interest thereof by the person or persons who for the time being shall be entitled to the freehold or inheritance of the premises to be limited or appointed I give and devise the closes and parcels of land adjoining the township of Holme upon Spalding Moor aforesaid which were devised to me by the last will and testament of Philip Langdale late of Houghton in the said county of York esquire deceased with their appurtenances unto the said Thomas Davison Bland and Peter Middleton their heirs and assigns To the uses upon and for the trusts intents and purposes and with under and subject to the powers provisoes agreements and declarations in and by the secondly hereinbefore recited Indenture of release of the thirty first day of July one thousand eight hundred and thirteen and in and by this my will respectively limited expressed and declared of and concerning such parts of the manors and other hereditaments comprised in the same Indenture and situate lying and being in the said county of York as were thereby limited immediately after the marriage of the said Edward Marmaduke Stourton with the said Marcia Fox to me the said Charles

Philip Lord Stourton and my assigns for my life with remainders over as therein and hereinbefore is mentioned or to for or upon such of the same uses trusts intents and purposes and with under and subject to such of the same powers provisoes agreements and declarations as shall at the time of my decease be subsisting undetermined and capable of taking effect I give and devise all my tithes of corn and grain arising out of and upon from for and in respect of my settled estates within the parish of Rothwell aforesaid (subject and charged as in the said first recited Indenture of the thirty first day of July one thousand eight hundred and thirteen and herein before is mentioned) with their appurtenances unto the said Thomas Davison Bland and Peter Middleton their heirs and assigns to the uses Upon the trusts and for the intents and purposes hereinafter limited expressed or referred to of and concerning the same that is to say To the use of the said Thomas Weld and Joseph Weld their executors administrators and assigns for and during the term of one thousand years to be computed from the day of my decease and thenceforth next ensuing and fully to be compleat and ended without impeachment of or for any manner of waste Upon and for the trusts intents and purposes and under and subject to the proviso hereinafter expressed and contained of and concerning the same term and from and after the expiration or sooner determination of the said term of one thousand years and in the meantime subject thereto and to the trusts thereof To such of the uses Upon and for such of the trusts intents and purposes and with under and subject to such of the powers provisoes agreements and declarations by and in an indenture of appointment and release bearing date the twenty fourth day of September in the year of our Lord one thousand eight hundred and made or expressed to be made between me the said Charles Philip Lord Stourton and the said Mary Lady Stourton my wife of the first part the said William Stourton of the second part the said Elizabeth Butler and Apollonia Lady Clifford of the third part Thomas Weld Esquire the father of the said first named Thomas Weld and Catherine Weld spinster of the fourth part The Right Honorable Robert Edward Lord Petre and the Right Honorable Charles Lord Clifford of the fifth part William Witham gentleman of the sixth part the said Thomas Weld the son of the seventh part Thomas Clifford and Everard Arundell Esquires of the eighth part and Edward Constable Esquire and the said Thomas Weld the son of the ninth part (being the settlement made previously to the Marriage of the said William Stourton with the said Catherine Weld) limited expressed declared or contained of or concerning my settled estates in the parish of Rothwell aforesaid as shall at the time of my death be subsisting undetermined or capable of taking effect And I do hereby declare that the said tithes are

hereby limited to the said Thomas Weld and Joseph Weld their executors administrators and assigns for the said Term of one thousand years upon the trusts and for the intents and purposes hereinafter expressed and declared of and concerning the same that is to say Upon trust that they the said Thomas Weld and Joseph Weld or the survivor of them or the executors administrators or assigns of such survivor do and shall by mortgage of the said tithes or any part thereof for all or any part of the same term levy and raise the sum of eight thousand pounds of lawful English money and pay the same to my said son William Stourton his executors administrators or assigns for his and their proper use and benefit I give to the said Mary Lady Stourton the sum of five hundred pounds to be paid to her at the end of one calendar month next after my decease I also give to the said Mary Lady Stourton all arrears of rent which shall at the time of my death be due and owing to me from the tenants of any of the messuages lands and hereditaments comprised in the said hereinbefore recited indentures of lease and release of the thirtieth and thirty first days of July one thousand eight hundred and thirteen I also give to the said Mary Lady Stourton All monies which shall at the time of my death be due and owing to me by Thomas Wright Esquire and company my bankers in London in the Balance of the account kept by me with them in the names of Mrs Butler and others I also give to the said Mary Lady Stourton such of my horses and carriages as she may think proper to choose and take for her own use I give and bequeath the said several sums of two thousand three hundred pounds seven hundred pounds one thousand pounds one thousand pounds one thousand pounds two thousand pounds and ten thousand pounds by the said first hereinbefore recited indenture of the thirty first day of July one thousand eight hundred and thirteen assigned by me to the said William Stourton and George Augustus Lane Fox their executors administrators and assigns as aforesaid and the interest of the same sums respectively (subject to the trusts thereof declared in and by the said two several hereinbefore recited Indentures of the thirty first day of July one thousand eight hundred and thirteen) unto my said son Philip Stourton his executors administrators and assigns for his and their proper use and benefit I also give and bequeath unto my said son Philip Stourton his executors administrators and assigns the sum of fifteen thousand pounds of lawful English money to be paid to him or them as soon as conveniently may be after my death with lawful interest for the same from the time of my decease I give and bequeath to the said Philip Stourton his executors administrators and assigns the further sum of four thousand pounds of like lawful money to become and be an interest vested in the said

Philip Stourton immediately after my decease and to be paid in the manner hereinafter mentioned that is to say In case either of them the said Mary Lady Stourton Elizabeth Butler and Apollonia Lady Clifford shall depart this life in my lifetime then the said sum of four thousand pounds to be paid as soon as conveniently may be after my death with lawful interest for the same from the time of my decease But if all of them the said Mary Lady Stourton Elizabeth Butler and Apollonia Lady Clifford shall survive me then the said sum of four thousand pounds to be paid as soon as conveniently may be after the death of such of them the said Mary Lady Stourton Elizabeth Butler and Apollonia Lady Clifford as shall depart this life with lawful interest for the same to be computed from the death of such of them the said Mary Lady Stourton Elizabeth Butler and Apollonia Lady Clifford as shall first happen to die until the actual payment thereof I give to my said son Charles Stourton and to my daughters the Honorable Constantine Stourton and the Honorable Elizabeth Stourton the sum of two thousand pounds each to be paid to them respectively as soon as conveniently may be after my death with lawful interest for the same from the time of my decease And I give to the said Constantine Stourton and Elizabeth Stourton in case they shall marry the further sum of three thousand pounds each to be paid to them respectively on the days of their respective marriages I give and bequeath unto each of my said daughters Constantine Stourton and Elizabeth Stourton for and during their respective lives if they shall respectively so long remain single and unmarried and shall not enter into or possess themselves of any religious order or community of the Church of Rome one annuity or yearly sum of two hundred pounds of lawful English money to be paid and payable half yearly on the twenty fifth day of March and the twenty ninth day of September in every year by equal portions free from the present or any future tax on property or income and clear of all other taxes and deductions whatsoever the first half yearly payment of the said several annuities or yearly sums to begin and be made on such of the said half yearly days of payment as shall happen next after my death and if either of them the said Constantine Stourton and Elizabeth Stourton shall die unmarried or enter into or profess herself of any religious order or community of the Church of Rome I give and bequeath to the other of them so long as she shall remain single and unmarried and shall not enter into or profess herself of any such religious order or community as aforesaid the further annuity or yearly sum of one hundred pounds of like lawful money to be paid and payable half yearly on the twenty fifth day of March and twenty ninth day of September in every year by equal portions free from the present or any future tax on property or income and clear of all other taxes and deductions whatsoever



the first half yearly payment of the said annuity or yearly sum of one hundred pounds to begin and be made on such of the said half yearly days of payment as shall happen next after the death or profession of such of my said daughters as shall first depart this life unmarried or enter into or profess herself of any such religious order or community as aforesaid Provided always and I do hereby declare and direct that if my said son William Stourton shall by two several bonds or obligations in writing bind himself his heirs executors and administrators to the said Constantia Stourton and Elizabeth Stourton respectively their respective executors administrators and assigns in the several sums of three thousand pounds and three thousand pounds Subject to the conditions for making void the same bonds respectively on payment by the said William Stourton his heirs executors or administrators to the said Constantia Stourton and Elizabeth Stourton respectively of the several annuities or yearly sums hereinbefore bequeathed to them respectively at the times and in the manner hereinbefore mentioned and appointed for the payment thereof And shall execute and deliver such bonds or obligations to them the said Constantia Stourton and Elizabeth Stourton respectively within the space of three calendar months next after my decease Then and in such case and from thenceforth my personal estate shall be exonerated and discharged from the same annuities or yearly sums and every part thereof respectively I declare and direct that the provision hereinbefore made for my said sons Charles Stourton and Philip Stourton and for my said daughters Constantia Stourton and Elizabeth Stourton shall be received and taken by them respectively in lieu and satisfaction of their several portions and other claims under or by virtue of my Marriage settlement I give to my three married daughters the Honorable Charlotte Weld the Honorable Apollonia Bland and the Honorable Juliana Middelton one hundred guineas each as a mark of my attachment I give to my old servant Francois commonly called Foret an annuity or yearly sum of fifty pounds during his life and to Mary Le Clerc the daughter of my late butler Charles Le Clerc an annuity or yearly sum of ten pounds during her life I give to Roberts Bullock and William Mawson if they shall respectively be in my service at the time of my death the annuity or yearly sum of ten guineas each during their respective lives The said four last mentioned annuities to be paid quarterly by equal portions free from the present or any future tax on property or income and clear of all other taxes and deduction whatsoever the first quarterly payment thereof respectively to begin and be made at the end of three calendar months next after my death I also give to the said Francois alias Foret my cloathes of every description I give to each of my other servants who shall have been more than one year in

my service and whose yearly wages shall not exceed forty pounds one quarter of a years wages and to each of such other servants who shall have been more than one year in my service and whose yearly wages shall exceed forty pounds the sum of ten pounds over and above what shall be due to them respectively I give to my chaplain the Reverend — Allerton or to such other person as shall be my chaplain at the time of my death twenty guineas And I give to my steward Mr. Richard Clark as a token of my satisfaction of his conduct whilst my agent twenty guineas And as to the residue and remainder of my personal estate and effects I give and bequeath the same to my said son William Stourton his executors administrators and assigns for his and their own use and benefit subject nevertheless to and charged and chargeable with the payment of my debts and funeral and testamentary expences and the annuities and legacies given and bequeathed by this my will or which I shall hereafter give by any codicil or codicils thereto and also upon this express condition that he the said William Stourton his executors or administrators do and shall within the space of one calendar month next after my death or as soon afterwards as the same can conveniently be done deliver to the said Mary Lady Stourton for her own absolute use and benefit all the plate linen china and glass which at the time of my death shall happen to belong to and be in the possession of him the said William Stourton and which said plate linen china and glass I hereby give to the said Mary Lady Stourton accordingly I constitute and appoint my said son William Stourton sole Executor of this my will and I request that my funeral may be conducted in as private a manner as decency will permit and my executor shall think proper Provided always and I do hereby declare my will and mind to be that the said trustees nominated and appointed in and by this my will and their respective executors and administrators shall be charged and chargeable only for such monies as they shall respectively actually receive by virtue of the trusts hereby in them reposed notwithstanding their or any of their giving or signing or joining in giving or signing any receipt or receipts for the sake of conformity and that any one of them shall not be answerable for the other or others of them nor for the acts receipts neglects or defaults of the other or others of them but each of them for his own acts receipts neglects or defaults only and that they or any of them shall not be answerable for any involuntary loss or damage which may happen in the execution of the trusts hereby in them reposed and that it shall and may be lawful to and for my said trustees by and out of the monies which shall come to their respective hands by virtue of the trusts aforesaid to retain to and reimburse themselves all costs charges and expences which they respectively shall or may suffer sustain expend or be put unto in or about the



aforesaid trusts or in relation thereto And lastly I hereby revoke all former wills and declare this to be my last will and testament In witness whereof I have to this my last will and testament contained in this and the twenty three preceding sheets of paper hereto annexed set my hand and seal to wit my hand to the bottom of each of the said twenty three preceding sheets and my hand and seal to this last sheet this twentieth day of October in the year of our Lord one thousand eight hundred and fifteen. (*Signed*) STOURTON. (L.S.)

"The writing contained in this and the twenty three preceding sheets of paper hereto annexed was signed and sealed by the Right Honorable Charles Philip Lord Stourton and by him published and declared as and for his last will and testament in the presence of us who have at his request and in his presence and in the presence of each other hereto subscribed our names as witnesses thereof The words struck out in the sixth seventh eighth ninth and tenth lines of the twenty first sheet having been so struck out previously to the signing and publishing hereof—GA FIELDING WILLIAM PAULTON Butler to Lord Stourton JOHN SLEDALE of Allerton Mauleverer Farmer

Proved at York, 18th November, 1816.

Proved at London, 4th January, 1817.

Fos 141. S. G. F. 41—Effingham."

Mary, Lady Stourton died at Hazlewood on the 12th of April, 1841, aged 89 years, and was buried there the 19th of the same month. The following inscription is on a tablet upon the wall of the Chapel at Hazlewood\* :

"Orate pro Anima  
Nobili-simæ Dom<sup>æ</sup> Mariæ Stourton  
Caroli Philippi Baronis XVI.†  
Conjugis,  
Ultimi Domini Langdale de Holme  
Filiae et Hære-dis  
Postoris Quamplurimus Linquens  
Triste sui Desiderium  
Almæ Virtutis Exemplum  
Et Aeternæ Beatitudinis Spem  
Obiit Die XII Aprilis  
Anno Salutis MDCCCLXII (Ætatis LXXXIX  
Cujus Animæ Proprietur Deus."

The following is a copy of the will of Mary, Lady Stourton, extracted from the Principal Registry of the Probate, Divorce and Admiralty Division of the High Court of Justice in the Prerogative Court of Canterbury.

\* The Registers of the Mission of St. Leonards at Hazlewood, as shown in "The Old English Catholic Missions," state that, in 1832, Robert Elliot, aged 78, coachman to the Dowager Lady Stourton, was buried there. These Registers commence in 1772.

† In reality the 17th Lord Stourton, as has been recently discovered.

"This is the last Will and Testament of me The Right Honorable Mary Lady Stourton Dowager of the Right Honorable Charles Philip Lord Stourton deceased Whereas my father the Right Honorable Marmaduke late Lord Langdale in and by his last Will and Testament in writing bearing date on or about the sixteenth day of June in the year of our Lord one thousand seven hundred and seventy seven and executed and attested in such manner as by law is required for passing real estates gave and devised all his manors messuages lands tenements hereditaments and real estate with their appurtenances unto the Honorable Thomas Clifford and William Constable Maxwell Haggerston Esquire their heirs and assigns Upon trust to convey settle and assure one full undivided third part thereof to the use of his the said testators daughter Elizabeth Langdale for her life without impeachment of waste with remainder to trustees to preserve contingent remainders with remainder to the first and other sons of the said Elizabeth Langdale successively in tail male with divers remainders over and upon trust to convey settle and assure one other full and undivided third part thereof to the use of me the said Mary Lady Stourton for my life without impeachment of waste with remainder to trustees to preserve contingent remainders with remainder to my first and other sons successively in tail male with divers remainders over and upon trust to convey settle and assure one other full undivided third part thereof to the use of his the said testators daughter Appollonia Langdale for her life without impeachment of waste with remainder to trustees to support contingent remainders with remainder to the first and other sons of the said Appollonia Langdale respectively in tail male with divers remainders over and in which Will is contained a proviso in the words or to the effect following that is to say ' Provided always and it is my Will and meaning that it shall be lawful for each and every of my said daughters who shall have more than one younger child whether covert or sole by any deed or deeds writing or writings with or without power of revocation to be by them respectively sealed and delivered in the presence of and attested by two or more credible witnesses or by their respective last Wills and Testaments in writing or any Codicil or Codicils or any writing purporting to be their respective last Wills and Testaments or Codicils to be by them respectively signed in the presence of and attested by two or more credible witnesses to charge their respective parts or shares of my real estate with the payment of any sum or sums of money not exceeding in the whole the sum of five thousand pounds for the portions of her or their younger child or children if there shall be two or more such younger children with interest for the same after the rate of four pounds for every one hundred pounds by the year to be paid or divided unto

or among or between them in such parts shares and proportions and at such days ages or times and with such remainders over for the benefit of some or one of the said younger children and under and subject to such conditions and restrictions and in such manner as each of my said daughters by such deed or deeds writing or writings or last Will and Testament or Codicil or Codicils or writing or writings purporting to be her last Will and Testament or Codicil or Codicils shall limit direct or appoint and for the purpose of raising such portion or portions and interest for the same to limit or create any term or terms of years' And whereas by Indentures of lease and release and appointment bearing date respectively the twenty third and twenty fourth days of September one thousand eight hundred the release and appointment being of nine parts and made between the said Charles Philip Lord Stourton and me the said Mary Lady Stourton then his wife of the first part The Right Honorable William now Lord Stourton then the Honorable William Stourton our eldest son and heir apparent of the second part The Honorable Elizabeth Butler formerly Langdale and the Right Honorable Appollonia Dowager Lady Clifford formerly Appollonia Langdale my said two sisters of the third part Thomas Weld Esquire and Catherine Weld Spinster his daughter of the fourth part The Right Honorable Robert Edward Lord Petre and The Right Honorable Charles Lord Clifford of the fifth part William Witham Gentleman of the sixth part Thomas Weld the younger Esquire of the seventh part Thomas Clifford Esquire and Evercard Arundell Esquire of the eighth part and the said Thomas Weld the younger of the ninth part (being the Settlement made previous to and in contemplation of the marriage then intended and which was soon after had and solemnized between the said William now Lord Stourton and Catherine Weld) and by virtue of one or more Common recovery or recoveries suffered in or as of Easter term one thousand eight hundred and one divers manors lands and hereditaments situate lying and being in the Counties of York and Stafford part of the real estates devised by the said Will of my said late father Marmaduke Lord Langdale were settled and limited to the several uses therein mentioned and expressed for the benefit of myself and the said Charles Philip Lord Stourton and our first and other sons with divers remainders over in which said Indenture of release and appointment is contained a proviso that the said Manors lands and hereditaments should be wholly and exclusively charged with the payment of the sum of five thousand pounds thereinbefore mentioned to be charged by me on my third part of all the estates devised by the said Will of my said father and should indemnify and protect my said third part of the other estates of my said father from the levying and raising the payment thereof or of

any part thereof And whereas several of the estates devised by the Will of my said father and so settled and limited as aforesaid have been since sold and the money arising from the sale thereof hath been laid in the purchase of several messuages lands and hereditaments situate in the several townships of Allerton Mauleverer Hopperton and Flaxby in the Parishes of Allerton Mauleverer and Goldsbrough in the West Riding of the said County of York which have by certain Indentures of lease and release and appointment bearing date respectively the seventh and eighth days of July one thousand eight hundred and seven the release and appointment being of four parts and made between the said Charles Philip Lord Stourton and William now Lord Stourton (then the Honorable William Stourton) of the first part The Right Honorable Charles Lord Clifford William Sheldon and George Hubbard Esquires of the second part Nicholas Selby Esquire and the said William Sheldon of the third part and Francis Witham Esquire of the fourth part being duly appointed and conveyed to the several uses upon and for the several trusts intents and purposes and with under and subject to the several powers provisoes limitations declarations and agreements in and by the said Indenture of release and appointment of the twenty fourth day of September one thousand eight hundred limited expressed declared and contained of and concerning the Manors hereditaments and premises which have been sold and disposed of as aforesaid And whereas I have issue by my said late husband Charles Philip Lord Stourton ten children namely the said William Lord Stourton my eldest son and three younger sons and six daughters all of whom have attained the age of twenty one years And whereas I am desirous to charge the said messuages lands and hereditaments in the said Parishes of Allerton Mauleverer and Goldsbrough in the said West Riding of the said County of York with the payment of the said sum of five thousand pounds in favour or for the benefit of all my said children (except the said William Lord Stourton) in manner hereinafter mentioned Now I the said Mary Lady Stourton by virtue and in exercise and execution of the powers and authorities given or limited to me in and by the said last Will of my said father and in and by the said in part recited Indentures of the twenty fourth day of September one thousand eight hundred and the eighth day of July one thousand eight hundred and seven or any of them and of all other powers and authorities in anywise enabling me in this behalf do by this my last Will and Testament in writing duly executed by me in the presence of and attested by three credible witnesses absolutely charge all and every the messuages lands and hereditaments in the said parishes of Allerton Mauleverer and Goldsbrough aforesaid comprised in and settled and limited by the said Indenture of the eighth day

of July one thousand eight hundred and seven with the payment of the full sum of five thousand pounds of lawful money of Great Britain for the portions of all and every my child and children by the said Charles Philip Lord Stourton (other than and except the said William Lord Stourman (*sic*) my eldest son) to be equally divided between or amongst them share and share alike and to become vested and transmissible interests in them respectively immediately after my death and I the said Mary Lady Stourton by virtue and in exercise and further execution of the powers and authorities given or limited to me in and by the said last Will of my said father and in and by the said in part recited Indentures of the twenty fourth day of September one thousand eight hundred and the eighth day of July one thousand eight hundred and seven or any of them and of all other powers and authorities in anywise enabling me in this behalf do by this my last Will and Testament in writing duly executed by me in the presence of three credible witnesses limit all and every the messuages lands and hereditaments in the said Parishes of Allerton Mauleverer and Goldsborough aforesaid comprised in and settled and limited by the said Indenture of the eighth day of July one thousand eight hundred and seven with their appurtenances to the use of Marmaduke Maxwell Constable Maxwell of Everingham in the County of York Esquire and Thomas Weld of Lulworth Castle in the County of Dorset Esquire their executors administrators and assigns for and during and unto the full term of one thousand years to commence from my decease without impeachment of waste Upon the trusts following that is to say upon trust that they the said Marmaduke Maxwell Constable Maxwell and Thomas Weld or the survivor of them or the executors administrators or assigns of such survivor do and shall after my decease by mortgage sale demise or other disposition of all or any part or parts of the said messuages lands and hereditaments comprised in the said term of one thousand years for all or any part of the said term or with and out of the rents issues and profits of the said premises or any part thereof in the meantime or by making entries upon or bringing actions against all or any of the tenants or occupiers of the said premises or any part thereof for the recovery of the rents then in arrear or by all or any of the aforesaid ways and means or by any other ways and means whatsoever as the said Marmaduke Maxwell Constable Maxwell and Thomas Weld or the survivor of them or the executors administrators or assigns of such survivor shall think proper levy and raise the sum of five thousand pounds of lawful money of Great Britain for the portion or portions of all and every or such one or more of my said children (except the said William Lord Stourton) who shall be living at my death to be divided between or amongst them if more than one in equal shares and proportions and if but one such child the whole of the said sum of five



thousand pounds to go to that one child and to be paid to them him or her as soon as conveniently may be after my death with interest for the same after the rate of four pounds for one hundred pounds for a year to be computed from my decease until the actual payment thereof provided nevertheless that in case all the children for whom portions are intended to be provided as aforesaid shall die in my lifetime or if the person or persons to whom the next estate of freehold or inheritance of and in the said messuages hereditaments and premises comprised in the said term of one thousand years in reversion or remainder expectant on the determination of the same term shall for the time being belong do and shall well and truly pay or cause to be paid to the said Marmaduke Maxwell Constable Maxwell and Thomas Weld or the survivor of them his executors administrators or assigns the portion or portions hereinbefore provided for such child or children respectively and in case all and every of the trusts hereby declared as aforesaid concerning the said term of one thousand years shall in all respects be fully performed or by any other means be discharged and the said Marmaduke Maxwell Constable Maxwell and Thomas Weld and each of them and the executors administrators and assigns of them and each of them shall be fully reimbursed and satisfied all costs and charges to be occasioned by the trusts aforesaid then the said term of one thousand years shall determine I nominate and appoint the said William Lord Stourton the sole Executor of this my last Will and I hereby revoke all former Wills In Witness whereof I have hereunto set my hand and seal this twenty sixth day of October in the year of our Lord one thousand eight hundred and eighteen—MARY STOURTON (L.S.).

Signed sealed published and declared by the said Mary Lady Stourton as and for her last Will and Testament in the presence of us who at her request and in her presence and in the presence of each other have hereunto subscribed our names as witnesses — CHARLES BODENHAM Jun<sup>r</sup> G. J. THEBAULT EDWARD GREEN.

*Codicil to the Dow<sup>r</sup> Lady Stourton last Will & Testament*

Having disposed by Will of five thousand pounds to be raised upon the estate of my son William Lord Stourton among my younger children I wish as a Codicil to the same to add that I dispose of five hundred pounds to my son William Lord Stourton if he survives me and I desire that the annuities to Mrs. Dixon & Robert (late servants to the Hon<sup>ble</sup> Mrs Butler) should be continued to the day of their deaths these annuities are one hundred pounds a year to Mrs Dixon & twenty pounds a year to Robert I likewise give to Ann Ralderson an

annuity of twenty pounds a year and I give a sum to be once paid of twenty pounds to my Goddaughter Mary le Clerc and the like sum of twenty pounds to the Rev<sup>d</sup> Benedict Rayment & I charge my personal estate with the payment of these sums of money & annuities as likewise with the discharge of all my just debts and my funeral expences which I desire may be conducted in as private a manner as possible moreover I give to my dear daughter Mary a religious person of Newhall the sum of five hundred pounds in case she does not share or the Nuns of Newhall in her behalf in the shares of the five thousand pounds disposed of by my Will among my younger children I give to my daughter Elizabeth my carriage and horses my furniture of all kinds I leave to my dear S (burnt) Sir Ed<sup>d</sup> Marmaduke Vavasour Bart with exception of plate linen & china which I give to my son Philip Stourton I appoint my Son The Hon Sir E. Vavasour Bart<sup>e</sup> my Executor & I wish him to accept of one hundred pounds for this trouble I give ten pounds to the Rev<sup>d</sup> Mr Tho Brownbill I have perused the above and approve of it—June y<sup>e</sup> 8th 1831—M. STOURTON.

As an addition to my Codicil of 1831. I give thirteen pounds a year to my under Butler James Lyons & I approve of the correction (burnt) Codicil of 1831 as to the plate L. (burnt) & china to my son Philip I approve of this the addition to my Codicil Witness my hand this 31st day of January 1833—M. STOURTON.

As a part of my Codicil I wish my cloaths to be given to my Maid I approve of the erasures in the 2nd third & fourth pages of this Codicil Witness my hand Jan<sup>y</sup> 3<sup>d</sup> 1835—MARY STOURTON.

I wish my daughter Mary of New Hall only to share in my personal property to the amount of the sum of five hundred pounds or her share in the aforementioned five thousand pounds March 8. 1837—M. STOURTON."

*Prerogative Court of Canterbury.*

*In the Goods of The Right Honorable Mary Dowager Lady Stourton deceased.*

Appeared Personally The Honorable Mary Lucy Stourton the wife of the Honorable Charles Stourton of Allerton Park in the County of York the Honorable Mary Stourton of Allerton Park aforesaid Spinster and the Right Honorable William Baron Stourton and having with care and attention viewed and perused the paper writing now hereunto annexed purporting to be and contain four Codicils to the last Will and Testament of the said Right Honorable Mary Dowager Lady Stourton late of Hazelwood near Tadcaster in the County of



York deceased the said first Codicil beginning thus "Codicil to the Dow Lady Stourton last Will & Testament having disposed by Will" ending thus "I have perused the above and approve of it" thus subscribed "M. Stourton" and dated thus "June y<sup>e</sup> 8th 1831" the second of said Codicils beginning thus "as an addition to my Codicil of 1831" ending thus "I approve of this the addition to my Codicil Witness my hand this 31st day of January 1833" and thus subscribed "M. Stourton" the third of said Codicils beginning thus "as a part of my Codicil I wish my cloaths to be given to my Maid" ending thus "Witness my hand Jan<sup>y</sup> 3d 1835" and thus subscribed "Mary Stourton" the fourth and last of said Codicils beginning thus "I wish my daughter Mary of Newhall" ending thus "or her share in the aforementioned five thousand pounds March 8. 1837" and thus subscribed "M. Stourton" jointly and severally made oath as follows and first the said Honorable Mary Lucy Stourton and Mary Stourton for themselves made oath that they knew and were acquainted with the said deceased and with the manner and character of her handwriting and subscription from having frequently seen her write and also write and subscribe her name and they verily and in their consciences believe the said recited conclusion and date of the said first Codicil and the said names so set and subscribed to the said four Codicils to be of the proper handwriting and subscription of the said deceased and the said Right Honorable William Baron Stourton referring to the blank appearing after the letter "S" at the end of the third line of the third side of the said first Codicil also to the blank appearing between the words "of" and "Codicil" in the Fourth line and the blank after the letter "L" at the beginning of the fifth line of the said second Codicil for himself made oath that the same were occasioned by the accidental scorching of the said Codicils owing to the inadvertence of him the deponent—MARY LUCY STOURTON—MARY STOURTON—STOURTON. On the ninth day of June 1841 the said Honorable Mary Lucy Stourton and Mary Stourton and the Right Honorable William Baron Stourton were duly sworn to the truth of this Affidavit Before me—JOHN HUSBAND Commission

Proved with four Codicils

15th June 1841

Fos 40 H. J. T. 451-

Charles Philip, 17th Lord Stourton, had issue by his wife, the Hon. Mary (Langdale), daughter and eventually sole heir of Rt. Hon. Marmaduke (Langdale), fifth and last Lord Langdale, of Holme-on-Spalding-Moor, thirteen children, six sons and seven daughters, as follows :

- I. The Right Honourable William Joseph, 18th Lord Stourton, of whom hereafter.
- II. Charles (or Marmaduke Charles) Stourton, second son. He was born in the year 1778, and died an infant during the same year.
- III. The Honourable Edward Marmaduke Joseph Stourton (afterwards the Hon. Sir Edward Marmaduke Joseph Vavasour, Baronet), of Hazlewood, near Tadcaster, in the West Riding of the County of York, third son. He was born May the 6th, 1786. In compliance with the testamentary injunction of his cousin,\* Sir Thomas Vavasour, seventh and last (of that creation), Baronet of Hazlewood, Co. York, he assumed by license under the Royal Sign Manual, dated February the 27th, 1826, the surname of Vavasour only, and



the arms of Vavasour, quarterly in the first and fourth quarters with his paternal arms of Stourton.

The armorial bearings as exemplified in accordance with the Royal License are as follows :

Quarterly, 1st and 4th the arms of Vavasour, namely, or, a fesse dancettée sable, and for distinction† in the dexter chief point a cross crosslet of the last 2nd and 3rd the arms of Stourton. *Crests* : 1st for the crest of Vavasour, upon a wreath of the colours, a cock gules, combed and wattled or, and for distinction charged upon the breast with a fountain ; 2nd, the crest of Stourton.

Sir Thomas Vavasour died, unmarried, October the 20th, 1826, when the Baronetcy which he had enjoyed became extinct. The estate of Hazlewood thereupon passed by his devise to the Hon. Edward Marmaduke Joseph Stourton, upon

\* Sir Thomas Vavasour, 7th Bart., was the second son of Sir Walter Vavasour, 5th Bart., by his wife, the Hon. Dorothy Langdale, daughter of the Right Hon. the 4th Lord Langdale, and sister of the Right Hon. the fifth and last Lord Langdale.

† Signifying that he had inherited no Vavasour blood, and no descent, male or female, from that family.



*Portrait of Johann Hermann Schlegel, 1801*

*Portrait of Johann Hermann Schlegel, 1801*



the condition of the assumption of the name and arms of Vavasour. Queen Elizabeth, it is said, would never allow the Chapel of Hazlewood to be molested, and the Catholic rites have continued to be there celebrated without interruption until the present day.

The Hon. Edward M. J. Stourton married, by special license, at Bramham Park, Co. York, on August the 6th, 1813, Marcia Bridget, only daughter of James Lane Fox, Esquire, of Bramham Park aforesaid, Member of Parliament for Horsham, by his wife Hon. Marcia Lucy (Pitt), who was married 23rd of July, 1789, and died 5th of August, 1822, youngest daughter of Right Honourable George (Pitt), 1st Lord Rivers of Stratfield-Say, Co. Southampton, and 1st Lord Rivers of Sudley Castle, Co. Gloucester. The ante-nuptial settlement has been already referred to. Marcia Bridget, the Hon. Mrs. Vavasour (formerly the Hon. Mrs. Stourton), died June the 10th, 1826, aged thirty-six years, and was buried in the cemetery attached to the Chapel at Hazlewood. The following inscription,

"Pray for the Soul of the Hon: Marcia Bridget Vavasour  
who died June 10. 1826 Aged 36"

forms a part of the inscription upon the tomb at Hazlewood now covering the remains of the Hon. Sir Edward Vavasour, Bart., and his wife the Hon. Mrs. Vavasour. The entire inscription will be found later, quoted in full.

Mrs. Vavasour did not survive to participate in the honour conferred upon her husband a little more than a year after her death. He was created a Baronet of the United Kingdom by Letters Patent, dated February the 14th, 1828, with the usual limitations to himself and the heirs male of his body, lawfully begotten. The Patent runs as follows :

\* George the Fourth by the Grace of God &c. To all to whom these Presents shall come Greeting. Whereas our late Royal Progenitor King James the first Ordained erected constituted and created a certain State degree and dignity name and Title of a Baronet within his then Kingdom of England to endure for ever And that the said state title dignity and degree of a Baronet should be and be reputed to be a middle state title dignity and degree of Hereditary dignity between the degree of a Baron and the degree of a Knight. Now Know ye that we of our especial Grace certain knowledge and mere motion Have erected appointed and created Our trusty and well beloved Subject Edward Marmaduke Vavasour of Haslewood in Our County of York Esquire (a man eminent for Family Inheritance Estate and integrity of manners) to and into the dignity state and degree of a Baronet And him the said Edward Marmaduke Vavasour for Us our Heirs and Successors We do erect appoint

\* Patent Roll, 9 George IV., Part I.

constitute and create a Baronet by these presents To hold to him and the Heirs Male of his body lawfully begotten and to be begotten for ever We will also and by these presents of Our especial Grace certain knowledge and mere motion for Us Our heirs and Successors do grant unto the said Edward Marmaduke Vavasour and to Heirs Male aforesaid That he the said Edward Marmaduke Vavasour and his said Heirs Male may have enjoy hold and take place and precedence by virtue of the dignity of a Baronet aforesaid and by force of these Presents as well in all Commissions Writs Letters Patent Writings appellations nominations and directions as in all Sessions Meetings Assemblies and Places whatsoever next and immediately after the younger Sons of Viscounts and Barons of this Our United Kingdom of Great Britain and Ireland and before all Knights as well of the Bath as Knights Bachelors as also before all Knights Banneret now created or hereafter to be created (except those Knights Banneret which shall happen to be created under the Royal Banners displayed of Us Our heirs or Successors in Our Royal Army in open War and the King himself being Personally present and also those Knights Banneret which shall happen to be created under the Royal Banners displayed of Us Our Heirs or Successors in Our Royal Army by the first born Son of Us Our Heirs or Successors for the time being being Prince of Wales there Personally Present in open War and not otherwise for the term of their lives only and no longer respectively And also except all Knights of the Noble Order of the Garter and all of the Privy Council of Us Our Heirs and Successors The Chancellor and under Treasurer of Our Exchequer The Chancellor of the Duchy of Lancaster The Chief Justice of the Kings Bench The Master of the Rolls in Chancery The vice Chancellor of England The Chief Justice of the Common Pleas The Chief Baron of the Exchequer and all and singular Judges and Justices of either Bench and the Barons of the Exchequer of the degree of the Coif for the time being who all and singular by reason of their Honorable Order and Labour sustained in affairs concerning the State and the administration of Justice shall have take and hold Place and precedence in all places and upon all accounts before all Baronets now created or hereafter to be created any custom usage ordnance or any other matter to the contrary in any wise notwithstanding And that the wives of the said Edward Marmaduke Vavasour and of his Heirs Male aforesaid successively and respectively by virtue of the said dignity of their said Husbands shall have hold enjoy and take place and precedence as well during the lives of such their Husbands as after the deaths of the same Husbands for and during the natural lives of such Wives next and immediately after the Wives of the younger Sons of Viscounts and Barons and the daughters of Viscounts and Barons and before

the Wives of all Persons before whom the Husbands of such Wives by force of these Presents ought to have Place and Precedence And in regard that the said degree of a Baronet is a Degree of Hereditary dignity The first born Son or Heir Male apparent and all the rest of the Sons and their Wives and the daughters of the said Edward Marmaduke Vavasour and of his said heirs male respectively shall have and take place and precedence before the first born Sons and other Sons and their Wives and the daughters of all Knights of whatsoever degree or Order respectively and also before the first born Sons and other Sons and their Wives and the Daughters of all persons respectively before whom the Fathers of such first born sons and other Sons and daughters by force of these Presents ought to have place and precedence So that such first born Sons or Heirs Male apparent and their Wives as well during the lives as after the deaths of their said Husbands for and during their natural lives and such daughters (those daughters following immediately and next after the Wives of the first born Sons of such Baronets) shall have and take place and precedence before the first born Sons and the Wives of the first born sons of every Knight of what degree or order soever And that the younger Sons of the said Edward Marmaduke Vavasour and of his said Heirs male and their Wives successively and respectively as well during the lives as after the deaths of their said Husbands for and during their natural lives shall in like manner have and take place and precedence next and immediately after the first born Sons and the Wives of the first born Sons and before the younger Sons and the Wives of the younger Sons whatsoever of Knights aforesaid We will also and do by these Presents for Us Our Heirs and Successors grant that the said Edward Marmaduke Vavasour shall be named appealed called plead and be impleaded by the name of Baronet and that the stile and addition of Baronet shall be put at the end of the name of the said Edward Marmaduke Vavasour and of his said Heirs Male in all our Letters Patent Commissions and Writs and all other Charters Deeds and Letters by virtue of these presents as the true lawful and necessary addition of dignity We Will also and by these Presents for Us Our Heirs and Successors do ordain that before the name of the said Edward Marmaduke Vavasour and of his Heirs Male aforesaid successively in English Speech and in all English Writings shall be used and set this addition to wit—Sir—and that in like manner the Wives of the said Edward Marmaduke Vavasour and of his said Heirs Male shall use have and enjoy this appellation (to wit) Lady Madam and Dame respectively according to the manner of speaking And moreover of Our more abundant Grace and of Our certain knowlege and mere Motion We Have granted and by these Presents for Us Our Heirs and Successors do grant unto the said Edward



Marmaduke Vavasour and to his Heirs Male aforesaid that they and their descendants shall and may bear either in a Canton in their Coat of Arms or in an Escutcheon at their Pleasure the Arms of Ulster (to wit) an Hand Gules or a Bloody Hand in a Field Argent And that the said Edward Marmaduke Vavasour and his Heirs Male aforesaid successively and respectively shall and may have Place in the Armies of Us Our Heirs and Successors in the Troop nigh to the Banner of Us Our Heirs and Successors in defence of the same (which is the middle station between a Baron and a Knight) And further We do hereby grant that the said Edward Marmaduke Vavasour and his Heirs Male aforesaid shall have two assistants of the body to support the Pall—One Principal Mourner and four Assistants to the same Principal Mourner in their Funerals To have hold use and enjoy the same state degree dignity stile title place and precedence with all and singular the privileges and other the Premises before granted to the said Edward Marmaduke Vavasour and his said Heirs Male of his body lawfully begotten for ever Willing and by these presents for Us Our Heirs and Successors Granting that he the said Edward Marmaduke Vavasour and his said Heirs Male and every of them successively shall and may bear and have the said Name state degree stile dignity title place and Precedence with all and singular the Privileges and other the Premises And that the said Edward Marmaduke Vavasour and his said Heirs Male and every of them shall successively be held Baronets in all things and shall be treated and reputed as Baronets And further of Our more especial Grace certain knowledge and mere motion We have granted and do by these presents for Us Our Heirs and Successors grant to the said Edward Marmaduke Vavasour and his said Heirs Male that they and their said Heirs Male respectively shall for ever hereafter have hold and enjoy their place and precedence among all Baronets of England Scotland Great Britain Ireland or Our United Kingdom of Great Britain and Ireland heretofore created and hereafter to be created according to the priority and seniority of his creation of a Baronet aforesaid and not otherwise nor in other manner And moreover of our more abundant Grace and of our certain knowledge and mere motion We have granted and do by these presents for us our Heirs and Successors grant unto the said Edward Marmaduke Vavasour and his said Heirs Male that neither We nor Our Heirs or Successors will hereafter erect ordain constitute or create within this Our United Kingdom of Great Britain and Ireland any other degree order name title stile dignity or state nor give or grant place precedence or preeminence to any person under or below the degree dignity or state of a Baron of Parliament of this Our United Kingdom of Great Britain and Ireland who shall be or may be or accounted used or reputed to be

superior or equal to the degree dignity or place of a Baronet aforesaid Nor shall any person under the degree of a Baron (except before excepted) by reason or colour of any constitution order dignity degree office service place business custom use or other thing whatsoever now or hereafter have hold or enjoy place precedence or preeminence before a Baronet aforesaid But that as well the said Edward Marmaduke Vavasour and his Heirs Male as the Wives Sons Daughters and the Wives of the Sons of the said Edward Marmaduke Vavasour and of his said Heirs Male respectively from henceforth for ever shall freely and quietly have hold and enjoy their said dignity place precedence and privilege before all persons (except before excepted) who shall hereafter be created of such degree state dignity order name stile or title or to whom the title place precedence or preeminence as aforesaid shall be given or granted or who shall claim to have hold or enjoy any place or precedence by reason or colour of any constitution order dignity degree office service place business custom use or other thing whatsoever and before their wives and children respectively according to the true intent of these presents without the hindrance of Us Our Heirs or Successors or any other persons whatsoever Saving nevertheless and always reserving to Us Our Heirs and Successors full and absolute power and authority to continue and restore to any person or persons from time to time such place and precedence as at any time hereafter shall be due to them which by any accident or occasion whatsoever shall hereafter be changed any thing in these presents or any other cause or respect whatsoever to the contrary thereof notwithstanding. We will moreover and do by these presents for us Our heirs and Successors grant and appoint that if any doubts or questions as to any place precedence privilege or other thing touching or concerning the said Edward Marmaduke Vavasour and his said Heirs Male and their Wives the first born Sons and their Wives the younger Sons Daughters and Wives of the younger Sons or any of them shall hereafter arise which neither by these Our Letters Patent nor by other Letters Patents heretofore made in this behalf are determined Such doubts or questions shall be determined and adjudged by and according to such other rules customs and Laws as to place precedence or other things concerning them as other degrees of Hereditary dignity are ordered governed and adjudged. Lastly We Will and do by these Presents for Us Our Heirs and Successors grant to the said Edward Marmaduke Vavasour and his said Heirs Male that these Our Letters Patent or the enrolment thereof shall be in and by all things good firm valid sufficient and effectual in the law as well against Us Our Heirs and Successors as against all others whomsoever according to the true intent of the same as well in all Our Courts

as elsewhere wheresoever We will also &c. without Fine in Our Hanaper &c.  
In Witness &c. Witness &c. the Fourteenth day of February.

By Writ of Privy Seal.\*

Sir Edward Vavasour inherited the Hazlewood Estate, in Yorkshire, from Sir Thomas Vavasour, as has been already stated. His wife having died soon after giving birth to her eighth child (afterwards Canon Vavasour), his mother, the Dowager Lady Stourton, at his request, took up her residence with him, and undertook the management and control of the establishment at Hazlewood until her death. Hazlewood became a favourite resort and home for the poor Irish who came over to this country, and were used to pitch their tents in corners of the estate. It is related of Sir Edward Vavasour that he would often watch with complacency from his window the arguments of these people with his butler. Hazlewood, notwithstanding the marks left behind by time, sickness and death, was always a most happy home, and many a case of real distress among the poorer classes of the Catholics was relieved by the generosity of the owner of Hazlewood.

It was the custom of Sir Edward Vavasour for many years, to go every Sunday to the Poor Schools and teach the children their Catechism. Descended from an old and Catholic family, it was but natural that he himself should be a staunch upholder of the ancient faith, and, like his brother, Charles Langdale, he was inclined rather to strictness than to indulgence in the education of his children. These two brothers were remarkably united in their affection for each other—even temporal inducements failed to produce any alienation between them, which, under the peculiar circumstances of their case, is not a little to be wondered at. It will have been seen that under their father's will and the marriage settlement of Sir Edward Vavasour it was provided that, in the event of the estates which he might inherit from Sir Thomas Vavasour (*i.e.* Hazlewood) being insufficient to provide a specified annual income, then that Holme, which had been bequeathed to Mr. Charles Langdale, subject to this provision, was to revert immediately to Sir Edward Vavasour. Mr. Langdale, therefore, practically held the Holme Estate "on sufferance," and had been since his father's death in receipt of the rentals thereof, which amounted to about one-half of his actual income. Instead of resorting to litigation, the brothers simply referred the matter to their own solicitors to decide; and when these lawyers came to the conclusion that Holme ought to be given up to the elder brother, Sir Edward Vavasour, Mr. Langdale at once relinquished the estate without a word of complaint. His most intimate friend was William Constable Maxwell, afterwards Lord Herries, and for him Charles

\* It should be noticed that the foregoing Patent does not contain the clause covenanting that the eldest son of the Baronet for the time being, on attaining the age of 21 years, should be knighted. The Instructions of King George IV. that the clause in question should in the future be omitted were issued December the 19th, 1827.

Langdale cherished a very especial affection until his death. But not even to him did Mr. Langdale make any complaint. He merely said, as they were going out hunting together, "William, the lawyers say that I must give up Holme." No other remark was ever heard from him complaining of the decision which took from him half of his property. Generous as Sir Edward Vavasour was to the poor, and hospitable as he was in entertaining his friends, he was always severe with his children in anything approaching waste—even the waste of a lucifer match. He much disliked to hear them highly complimented or flattered by visitors, to whom he would whisper his dread lest the flattery might tend towards the growth of self-conceit or vanity. He was particularly watchful over his daughters, never allowing them to indulge in prolonged conversations, unless employed in needlework for the poor, or with some other useful object; and as they grew older he greatly encouraged them to visit and give relief to the poor and sick. He was very proud that the old chapel at Hazlewood, which joins on to the Mansion, had never been desecrated, and that there had never been any period during the worst times of persecution during which the Holy Sacrifice had not been offered up upon its altar.

His children shared in his own great reverence in these matters, and they were accustomed to call to mind after the death of their father that, when travelling on the Continent, he would, on arriving at his hotel, immediately proceed to the Catholic churches to ascertain the hours of Mass, returning always in high spirits to impart the results of his inquiries. His children never absented themselves from the daily Mass, and visited the Blessed Sacrament once, at least, every day. The Rosary was recited every day at Hazlewood by the whole household, including Lady Stourton and her four sons. In Lent, the Seven Penitential Psalms and the Litanies of the Saints were said every evening after dinner. In the Memoir of Sir Edward Vavasour, by the Rev. P. Gallwey, S.J., from which the foregoing details are taken, there is given at some length the daily exercise of Sir Edward Vavasour in carrying out the tenets of the Catholic Faith and his instructions for the good of his children.

The early death of his wife, to whom he was deeply attached, as was she likewise to him, was a source of deep sorrow ever present in his mind. Originally a Protestant, she had long before her death become, through the persuasion and example of her husband, a Catholic and a firm believer in the ancient religion. Her conversion is vividly described in a letter, written on the 15th of April, 1814, to the Rev. Mr. Talbot, of Catterick, by Sir Thomas Vavasour (the cousin and godfather of Sir Edward Vavasour) from Hazlewood. Sir Thomas wrote: "My dear Sir,—It is with sincere joy I inform you that the pious and exemplary conduct of my cousin Edward Stourton has, *Deo adjuvante*, made an effectual impression on his wife's

mind. She has renounced the Protestant faith, after a serious study, and thorough conviction of the truth of our religion. Her most tender parents have accepted her determination with loving kindness, and encourage her to follow her husband's religion."

It was a great happiness to Sir Edward that his wife's father so highly approved, and that he had written to his daughter, "You cannot do better than embrace the religion of such a husband." But a sorry sequel followed, for from that time she fell into a decline, and died at Bath\* (to which place she had been ordered by her physician), fortified by all the Sacraments of the Church. Her death was closely followed by the mental failure of her eldest son Edward. He had studied diligently and successfully, and had gained many prizes at Stonyhurst College. His success had not spoilt his character, for he had inherited a large share of his father's piety, as well as his handsome features and winning manner. His studies at Stonyhurst had undoubtedly brought on weakness of the brain from incessant work, and he had brought back from Rome, where he had gone to receive the blessing of the Holy Father, a fever which terminated in an incurable disease of the brain. His father could never shake off the remembrance of his beloved and promising son.

The Hon. Sir Edward Vavasour held a commission in the Yorkshire Hussars Yeomanry Cavalry. The "Hon. E. T. [?] Stourton" was appointed Captain, June the 23rd, 1817, and resigned May the 1st, 1824. Lord Bolton, Major and Hon. Lieut.-Colonel commanding (1898) the Yorkshire (Princess of Wales's Own) Hussars, in sending the information, writes: "You will be able to put the proper initials to the Second Stourton on my list, as I am rather doubtful about it." It hardly seems possible that the entry can refer to any other person, though it is a little in conflict with the fact that "Sir E. M. Vavasour, Bt.," joined the same regiment as Cornet, October the 4th, 1837, and resigned, whilst holding that rank, March the 1st, 1841.

Sir Edward Vavasour was a man of singular piety, and was beloved, not only by Catholics, but by Protestants and Nonconformists. He always respected the opinions and feelings of those who differed from him. His life was very consistent, and he was universally regarded as a just man living by faith. His children and friends speak of him very tenderly, and the Rev. P. Gallwey, S.J., has nothing but praise for him. Of his more worldly characteristics it should be said that he was by nature musical, and was a most genial companion in the hunting-field. But in his home, when alone with his family, he seemed to be absorbed in the sadness of life. Sir Edward Vavasour, after seeing his two unmarried daughters enter a convent, then consecrated himself to God in a Religious Order. This was not the result of a sudden fit of religious fervour. He had always taken a great interest in the education of poor Catholic children, and had given a piece of land—on which the Market

\* *Vide* "Salvage from the Wreck," but possibly her death took place at Cheltenham.



Weighton Reformatory now stands—with a view to the foundation of a central training school to provide competent teachers and schoolmasters for the poorer Catholic schools. Consequently he finally resolved to place himself, and a certain sum of money, at the disposal of the Bishop, Dr. Briggs, in order to work out this charitable scheme. He placed Hazlewood and his other property and estates under the care and management of his then newly-married son, for the benefit of his eldest son, who was then incapable of their control.

Sir Edward Vavasour, who had displayed excellent business abilities in the management of his own affairs, and of his mother's, methodically settled all accounts with his children in regard to their portions. On the 1st of February, 1847, he wrote from Paris to his daughter, then a nun at the Convent of the Sisters of Providence, near Loughborough, informing her he had lodged certain moneys, which he held in trust and which were to revert to his daughter at his death, to her account at Coutts's. In his letter Sir Edward stated that he had done the same for his other two daughters. In the same letter he stated that he was going "on Tuesday" to the house of the Jesuits at Paris for a few days' retreat. At that time he had not decided which religious order to enter, although it would appear he had already bidden farewell to his home, with a view to entering upon a religious life. Sir Edward considered himself engaged to Dr. Briggs, but he was at one time very much attracted to Dr. Pagani and the Order of Charity, having expressed great delight to his daughter at having been allowed to occupy a cell, and to take his meals with the Community. In a letter to Mary Lucy, Lady Stourton, dated the 30th of December, 1846, he says: "My life here is a very happy one, and I would willingly make it my resting-place. But it is not to be so, and I have placed my futurity a good deal at Dr. Briggs' disposal." The habitual sadness seemed in a measure to leave him when he actually set out in search of a monastic house; in fact, his letters to his nun-daughter and others were bright, and even jocose, at times. Eventually he took up his abode in the Faubourg St. Martin, at the Head House of the Christian Brothers. He speaks of this in a letter from Paris to his daughter on the 17th of November, 1846, and he adds: "Thus for the present I may call myself a Religious, and I feel so well content with the trial of a few days that a vocation may ensue." In this letter he tells his daughter that his visit was to enable him to acquire some "information as to their system for our good Bishop for the purpose of his new monastery" at Market Weighton, before it was used as a reformatory. Whilst Bishop Briggs was absent in Ireland, Sir Edward Vavasour stayed with his chaplain, the Rev. Mr. Dunn, at Draycott Manor, and journeyed to Derbyshire to assist at the opening of the College of Mount St. Mary.

In his correspondence with his nun daughters there are some amusing allusions

to his early experience as a Brother. After paying a farewell visit to his two nuns, in a pleasant letter he describes one of them, the Sister of Mercy, who was acting as an acolyte, as being "quite as tall as the candles she was lighting." He returned to Paris, and in a letter to his daughter, which he expected would reach her about the day of her clothing, said, "Here I am myself within a convent wall, with the world in all its most vitiated and seductive form around me. Graces au bon Dieu! I feel not the slightest inclination for any share in them."

Christmas of 1846 Sir Edward spent in the Faubourg St. Martin, and in a letter to his daughter he gives a description of the cell he occupied. He remained in Paris until Lent, and soon afterwards set out on his journey to Rome, to beg the blessing of the Holy Father on the work for poor children to which he wished to devote the remainder of his days. A very old and valued friend of his, Dr. Wilson, formerly of Nottingham, and afterwards Bishop of Hobartown, had unexpectedly called upon Sir Edward in Paris, and, the Bishop being on his way to Rome, it was soon agreed that they should make their pilgrimage to Rome together. The Bishop had business in Lyons, Sir Edward had various matters to arrange in Paris, and it was consequently arranged that they should meet in Lyons, and from there travel together. On the day appointed Sir Edward started by diligence for Lyons, and arrived at Chanceau, in the Department of Côte d'Or, and not very far from Lyons. On coming to the foot of a hill, the driver gave the word, "Descendez, messieurs." All the passengers, therefore, got down, and among the rest Sir Edward, who, on account of his age, and the intense agony which he had previously suffered in climbing hills, might well have begged exemption. But he claimed no privilege, and did his best to climb the hill with his fellow-travellers. It was in vain that he tried to keep pace with them. The spasms at his heart came on with great violence, and he could do no more than drag himself slowly along until, at last, he reached the spot where the diligence was waiting. On arriving, Sir Edward apologized to the driver and his fellow-passengers for having kept them waiting. His words were very faint, and he immediately sank into the arms of the bystanders and expired. This occurred on the 16th of March, 1847.

For legal purposes in England, due to the necessity of establishing his death, his brother, Mr. Charles Langdale, proceeded to Chanceau and identified the body. It was then his intention to remove the remains of Sir Edward to England, that they might be interred at Hazlewood. "But, to his great surprise and consolation, he found the good Curé and the people of the parish so persuaded by what they had heard from his fellow-travellers and from Bishop Wilson, that they had amongst them the body of a holy man, that they begged most earnestly not to be deprived of their treasure. Mr. Langdale yielded to their pious wishes, and contented himself



with purchasing the ground where he was buried, and seeing that a fitting monumental stone was erected, and the grave surrounded by iron railings."\*

Twenty-nine years later it was decided to remove the remains of Sir Edward Vavasour to Hazlewood. His son, Canon Vavasour, who had previously on several occasions visited his father's grave, went to Chanceau for the last time. With the aid of the Curé the coffin was opened. Nothing remained but the skeleton, which at once collapsed. The bones were placed in an ordinary wooden box, and, after a parting Requiem Mass, Canon Vavasour brought them with him back to England. He experienced an unusually rough passage from Dieppe to Newhaven, which occupied some twelve hours. The box escaped the vigilant inquisitiveness of the Custom House officers, and after a most trying journey, Canon Vavasour safely deposited his father's remains with Mr. Taylor, a Catholic undertaker, who rearranged the bones in their proper order in a suitable coffin. The coffin reached Hazlewood on the eve of the 29th anniversary of Sir Edward's death, and remained during the night in Hazlewood Chapel, surrounded by lights, and on the following morning (the 16th of March, 1876), after the Requiem service, it was buried in the cemetery.

On a Brass upon the wall of the Chapel at Hazlewood is the following inscription :

"In Memory of the Hon<sup>ble</sup> Sir Edward Marmaduke Vavasour  
Bart : who died suddenly at Chanceaux in France on the XVI day  
of March in the year of our Lord MDCCCXLVII in the sixty first  
year of his age. On whose Soul God have mercy."

The inscription upon the sides and the foot of the tomb in the cemetery attached to the Chapel at Hazlewood is as follows :

"Pray for the Soul of the Hon : Sir Edward M Vavasour  
Who died March 16. 1847 Aged 60  
Pray for the Soul of the Hon : Marcia Bridget Vavasour  
Who died June 10. 1826 Aged 36  
On whose Souls

Sweet Jesus have Mercy  
The Hon : Sir E M Vavasour died at Chanceaux in France  
On March 16. 1847, his remains were removed to Hazlewood and  
placed by the side of his wife on March 16. 1876. R. I. P."

The Hon. Sir Edward Marmaduke Joseph Vavasour, first Baronet, by his wife Marcia Bridget, only daughter of James Lane Fox, Esquire, of Bramham Park, Co. York, had issue :

- i. Sir Edward Marmaduke Vavasour of Hazlewood, second Baronet, formerly Edward Marmaduke Stourton, eldest son, succeeded his father as second Baronet, March the 16th, 1847.

\* Memoir of Sir Edward Vavasour contained in "Salvage from the Wreck," by the Rev. Peter Galloway, S.J. (London : Burns and Oates, Ltd.).

He was born at Bramham Biggin, Co. York, the 17th of January, 1815, and was baptized at Hazlewood the 18th of the same month. He died unmarried the 23rd of August, 1885, being buried at Hazlewood on the 28th of that month. The Inscription round his tomb in the cemetery attached to the Chapel there is as follows :

"Pray for the soul of Sir Edward M. Vavasour Baronet  
Who died Aug. 23<sup>rd</sup> 1885, Aged 70. R.I.P.  
Sacred heart of Jesus have Mercy on him."

- ii. Charles Joseph Vavasour, Esquire, formerly Charles Joseph Stourton, second son. He was born the 15th of April, 1817, and baptized at Hazlewood the following day. He died unmarried at Beverley, the 21st of April, 1846, aged 29 years, and was buried in the cemetery attached to the Chapel at Hazlewood the 25th of the same month. The Inscription on his tomb in the cemetery is as follows :

"Orate Pro Anima  
Caroli Josephi Vavasour  
qui Annos Natus XXIX  
Pie Obiit Die XXIII Aprilis  
Anno Salutis MDCCCXLVI  
Cujus Anima Propities Sit Deus."

- iii. William Joseph Vavasour, Esquire, formerly William Joseph Stourton, third son. He was born February the 26th, 1822, and was baptized at Hazlewood the following day. To his then newly married son William, Sir Edward Vavasour in 1846 made over the care and management of Hazlewood and his other property and estates. Mr. William Vavasour married at Allerton Park, Co. York, on the 12th of January, 1846, the Honourable Mary Constantia Clifford, daughter of the Rt. Hon. Hugh Charles (Clifford), seventh Lord Clifford of Chudleigh, by Mary Lucy, his wife only daughter of Thomas Weld, Esquire, of Lulworth Castle, Co. Dorset, afterwards Cardinal Weld, and late Bishop of Amylea. After the death of her husband, the Hon. Mrs. Vavasour married secondly, February the 7th, 1865, at the Catholic Church, Hampstead, Co. Middlesex, Maurice Denis Kavanagh, LL.D., of the Middle Temple, Barrister-at-Law, and of Westbrook House, Leamington, by which marriage she also left issue.





HAZLEWOOD, YORKSHIRE.  
*From a Photograph, 1896.*

She died at Westbrook House, Leamington, March the 18th, 1898, aged 73, and was buried at Baddesley Clinton Catholic cemetery, Co. Warwick, the 21st of the same month. Mr. William Vavasour died January the 11th, 1860, and was buried at Hazlewood the 19th of the same month.—Upon his tomb in the cemetery attached to the chapel at Hazlewood is the following inscription :

" Pray for the soul of  
William Joseph Vavasour  
Who died January 11th 1860 :  
Aged 37."

By his wife, the Hon. Mary Constantia (Clifford), Mr. William Vavasour had issue :

1. Sir William Edward Joseph Vavasour, of Hazlewood, third Baronet, eldest son and heir. He was born and baptized at Hazlewood, November the 28th, 1846. He succeeded his uncle as third Baronet, August the 23rd, 1885. He is a Justice of the Peace for the West Riding of the county of York, and Patron of the living of Draycott-le-Moors, Co. Stafford ; but, being a Catholic, cannot present. He was appointed Sub-Lieutenant in the Yorkshire (Princess of Wales's Own) Hussars, Yeomanry Cavalry, September the 24th, 1873, being gazetted Captain, March the 7th, 1879. He resigned his commission April the 30th, 1884, but rejoined the regiment as Captain, April the 10th, 1886. He finally retired with the honorary rank of Major, May the 20th, 1890. He served for some time in the Papal Zouaves. The estates enjoyed by Sir William Vavasour are at present (1898) as follows : Hazlewood, in the West Riding of the county of York, Draycott-on-the-Moors, in the county of Stafford, and property at Holme-on-Spalding-Moor, also in Co. York. The Hazlewood Estate is situated wholly within the parish of Stutton-cum-Hazlewood, and in 1896 the exact acreage was 3,677 ac.

1 r. 5 p. The Draycott Estate is situated chiefly in the parish of Draycott-on-the-Moors, with small portions in the parishes of Checkley and Leigh, the total area being 3,886 ac. 1 r. 18 p.

The property of Sir William Vavasour at Holme is situated within the parish of Holme-on-Spalding-Moor. After deducting what was sold in 1891, the area in 1896 amounted to 939 ac. 2 r. 10 p.

Sir William Vavasour, Bart., married at Lulworth, October the 5th, 1870, Mary Teresa, second daughter of the late Edward Joseph Weld, of Lulworth Castle, Co. Dorset. She was born at Tawstock Court, Co. Devon, in March, 1848. Of this marriage there is issue :

- (a) Leonard Pius Vavasour, Esq., eldest son. Born September the 22nd, 1881, at Gloucester Terrace, Hyde Park, Co. Middlesex, and baptized at the Catholic Church of St. Mary of the Angels, Bayswater, London, the 27th of the same month.
- (b) Bernard Joseph Vavasour, Esq., second son. Born the 24th of October, 1886, at Brent Lodge, Hendon, Co. Middlesex, and baptized at the Catholic Church, Hendon, on the 30th of the same month.
- (c) Ellen Mary Vavasour, eldest daughter. Born August the 9th, 1871, at Saverly Hall, Stoke-on-Trent, Co. Stafford. She is a Novice in the Convent



of the Sisters of Providence at Loughborough, Co. Leicester.

(d) Annette Mary Vavasour, second daughter. Born October the 1st, 1872, at Saverly Hall, aforesaid. She was married at the Catholic Church of St. Charles Borromeo, at Weybridge, Co. Surrey, on the 24th of February, 1897, to Henry Salvin, second son of the late Marmaduke Charles Salvin, Esq., J.P., D.L., of Burn Hall, Co. Durham.

(e) Evelyn Mary Teresa Vavasour, third daughter. She was born October the 14th, 1873, at Hazlewood, and was baptized there the 16th of the same month. She is a Nun at a Convent of the Sisters of Charity, in Dublin.

(f) Mary Josephine Vavasour, fourth daughter. She was born December the 12th, 1874, at Hazlewood, and was baptized there the following day.

(g) Maud Mary Vavasour, fifth daughter. She was born August the 23rd, 1883, at Hazlewood, and baptized there the 26th of the same month.

2. Oswald Hugh Stanislaus Vavasour, of Marston Manor, Church Eaton, and of Draycott House, Stoke-upon-Trent, Co. Stafford, second son of William Joseph and the Hon. Mary Constantia Vavasour. He was born at Hazlewood, the 3rd of June, 1848, and baptized there the

same day. He served in the Papal Zouaves for a short time, and was present at the taking of Rome by the Italian troops in 1870, and has received a medal and "Diploma of Merit" from the Pope. He married, August the 8th, 1877, at St. Mary's, the Mount, Walsall, Co. Stafford, Sarah Anne, daughter of James Smith, of Draycott-on-the-Moors. She was born May the 26th, 1857. They have had issue :

- (a) Oswald Joseph Stanislaus Vavasour, eldest son. Born at Draycott, Co. Stafford, February the 7th, 1883.
- (b) Edward James Marmaduke Vavasour, second son. Born at Draycott, January the 30th, 1886.
- (c) George Francis Aloysius Vavasour, third son. Born at Draycott, April the 10th, 1890. Died at Bath, Co. Somerset, September the 24th, 1897.
- (d) John Wilfred Leonard Vavasour, fourth son. Born at Marston Manor, Co. Stafford, November the 25th, 1891.
- (e) Hubert Philip Anthony Vavasour, fifth son. Born at Draycott, January the 12th, 1895.
- (f) George Raphael Tobias Vavasour, sixth son. Born at Draycott, August the 6th, 1898, and baptized at Cresswell Chapel the same day.
- (g) Constantia Mary Josephine Vavasour, eldest daughter. Born at Aberystwith, North

Wales, February the 13th,  
1881.

- (4) Edith Mary Gertrude Vavasour, second daughter. Born at Cheadle, Co. Stafford, February the 11th, 1882.
- (5) Cecilia Mary Monica Vavasour, third daughter. Born at Draycott, November the 22nd, 1884.
- (7) Winifred Mary Lucy Vavasour, fourth daughter. Born at Draycott, February the 28th, 1888.
- (8) Lucy Mary Gwendoline Vavasour, fifth daughter. Born at Draycott, December the 12th, 1893.
- (9) Elizabeth Mary Veronica, sixth daughter. Born at Draycott, February the 20th, 1897.

3. Henry Dunstan Vavasour, of Ugbrooke Station, Blenheim, in the Colony of New Zealand, third son of William Joseph and the Hon. Mary Constantia Vavasour. He was born at Hazlewood, January the 10th, 1850, and was baptized there the same day. He was married at St. Mary's Church, Blenheim, September the 1st, 1887, to Bertha Eleanor Mary, eldest daughter of Thomas Pater Redwood, of Blythefield, Blenheim. She was born at Vernon Station, Marlborough, in the colony of New Zealand, January the 24th, 1867. They have issue :

- (a) George Marmaduke Vavasour, eldest son. Born at Flasebourne Station, Marlborough, New Zealand, September the 13th, 1891.

- (b) Rudolph Dunstan Vavasour, second son. Born at Burleigh, Blenheim, New Zealand, January the 4th, 1894.
  - (c) Gwendoline Mary Vavasour, eldest daughter. Born at Burleigh, August the 25th, 1888.
  - (d) Blanche Eleanor Mary, second daughter. Born at Burleigh, February the 9th, 1890.
  - (e) Pearl Constantia Vavasour, third daughter. Born at Blythefield, June the 25th, 1895.
  - (f) Bertha Lewis Vavasour, fourth daughter. Born at Blythefield, April the 7th, 1897.
4. Edward Joseph Everard Vavasour, fourth and youngest son of William Joseph and the Hon. Mary Constantia Vavasour. He was born at Hazlewood the 12th of September, 1855, and was baptized there the following day. He died, unmarried, of yellow fever, at Government House, Antigua, in the Leeward Islands (W.I.), (where he was acting as Private Secretary to H.E. Sir Francis Fleming, K.C.B.) on the 25th of September, 1895, and was buried at Antigua on the 27th of the same month.
5. Constance Mary Dolores Vavasour, eldest daughter. Born March the 16th, 1851, at Hazlewood, and baptized there the same day. She died at Albano, Rome, November the 5th, 1851, aged 7 months and 21 days, and was buried at Hazlewood. The following inscription is on a tablet upon the wall of the chapel at Hazlewood :

"Constantia Maria Dolores Vavasour  
Decessit Albani Nov. V. MDCCCLI  
Mensis VII dies XXI Nata  
In Pace."

6. Mary Lucy Vavasour, second daughter, born at Hazlewood, August the 12th, 1852, and baptized there the following day. She was a nun. She died in the year 1888, and was buried at the Convent of the Good Shepherd, Finchley, Co. Middlesex.
7. Angela Mary Galdina Vavasour, third and youngest daughter. She was born at Hazlewood, April the 18th, 1854, and baptized there the day following. She married, at Leamington, Co. Warwick, on June the 17th, 1880, Francis Thomas Eyston, of Charnwood Towers, Co. Leicester, who died without issue in the year 1888.
- iv. George Joseph Vavasour, Esquire, formerly George Joseph Stourton, fourth son of the Hon. Sir Edward Vavasour, first Bart., and his wife, Marcia Bridget (Fox). He was born July the 18th, 1824, and was baptized at Houghton Hall Chapel, Co. York, the same day. He married, firstly, at the Parish Church of Isleworth, Co. Middlesex, October the 5th, 1850, Amalia Ernestina Elizabetha, daughter of Carl Theodor Beil, of Mannheim, in the Grand Duchy of Baden. She died without issue at Canterbury, December the 21st, 1861, and was buried in the Catholic cemetery attached to St. Augustine's Monastery at Ramsgate, Co. Kent, on the 26th of the same month. The inscription upon the stone erected at the head of her grave is as follows :

"Of  
Your Charity  
Pray for the Soul  
of  
Amelia Vavasour  
Deceased December 24th\*  
1864  
Aged 26 years  
On whose Soul Sweet Jesus have Mercy."

The Rev. F. Th. Bergh, Abbot, O.S.R., in forwarding a copy of the inscription, writes : "You might perhaps find it interesting to add that Mr. Vavasour *up to the date of his*

\* Evidently this is a mistake.

*death* was accustomed to have many masses celebrated here for the repose of his wife's soul."

The Rev. R. Power, writing (January the 2nd, 1896) from St. Thomas's, Canterbury, says :

"The Liber Defunctorum of this Mission records that Emily Ernestina Elizabeth Vavasour of Canterbury died Dec. 21, 1861 fortified with the last Sacraments, aged 26, and was buried in the Catholic cemetery at Ramsgate, Dec. 26."

Mr. George Joseph Vavasour married, secondly, at the Parish Church, Preston, Co. Lancaster, April the 29th, 1880, Anne, daughter of John Heppenstall, of Bentley, near Doncaster, Co. York. This marriage was declared null and void by Decree of the High Court of Justice (Probate Division), July the 2nd, 1889. Mr. Vavasour died, without issue, in Liverpool, March the 25th, 1895, and was buried in the Yew Tree Cemetery, Liverpool. The inscription upon the stone erected at the head of his grave is as follows :

"Of your charity pray for the repose  
of the soul of  
George Vavasour  
Of Haslewood Castle Yorkshire  
who died in Liverpool  
March 25 1895  
Aged 70  
May he rest in peace."

- v. Philip Joseph Vavasour,\* formerly Philip Joseph Stourton, fifth and youngest son. In Holy Orders of the Catholic Church, Canon of the Chapter of the Diocese of Leeds. He was born February the 26th, 1826, and was baptized at Houghton Hall Chapel the same day. The Rev. P. Gallwey, S.J., states that Philip, the late Canon Vavasour, went to visit his father's grave at Chanceau three years after Sir Edward Vavasour's death. "He had been always devotedly attached to his father, and was always a child of predilection. From his early boyhood it seemed to be assumed in his family that he was to be the future priest. When the Rosary was being said he, though the youngest of all the children, was often called upon to lead off a decade ; and when he and his next brother older

\* Rev. P. Gallwey, S.J., in his memoir of Sir Edward Vavasour, states that his wife died very soon after giving birth to her eighth child, the late and respected Canon Vavasour.



than himself used to play, as they often did, at imitating some ecclesiastical ceremony, Philip always acted the part of the priest. He was now grown up, and studying for Orders, and paid several visits to his father's grave."

“Every time he went to Chauceau he distributed alms liberally among the poor of that place to obtain their prayers for his father's soul. In 1850, three years after his father's death, he paid his second visit, and remained there a week, and had many Masses offered up for the departed soul; and it had also occurred to his filial piety to make some reparation for the injurious excesses of the Revolution by erecting a cross on the spot where his father fell, and where the old cross had been wantonly destroyed. The erection and blessing of this cross was attended by many clergy from the neighbouring parishes and a large body of the faithful.”\*

As has already been related, it was through the instrumentality of Canon Vavasour that the remains of his father were brought back to this country and reinterred at Hazlewood.

Canon Vavasour died suddenly at 52, South Street, Park Lane, London on the 19th of April, 1887, and was buried at Hazlewood. The following inscription is round his tomb in the cemetery attached to the chapel at Hazlewood :

<sup>44</sup> Of your Charity pray for the Soul of the Very Rev<sup>d</sup>. Philip Vavasour, Canon of Leeds, Youngest Son of the Hon<sup>ble</sup> Sir E. M. Vavasour Bart. the Builder of St. Wilfrid's Ripon, and twenty five years its Pastor, who died suddenly in London, on the 19<sup>th</sup> of April 1887, aged 61.  
On whose Soul O God have Mercy.

On whose Soul O God have Mercy.  
 Re<sup>v</sup> dns' Adm Dñus Philippus Vavasour Æcclesiæ Loidensis Canonicus  
 Obiit 19 Aprilis 1887, Anno Ætatis 61, Æcclesiæ Sti Wilfridi Riponensis,  
 Quam ipse a Fundamentis erexit Vingtii Quinque Annos Pastor.  
 Cujus Animæ Propitietur Deus."

- vi. Marcia Mary Vavasour, formerly Marcia Mary Stourton, eldest daughter. She was born at Hazlewood, February the 2nd, 1816, and was baptized there the following day. She was married at the same place, November the 12th, 1835, to William Constable-Maxwell, of Everingham Park, near York, and Carlaverock Castle, co. Dumfries, afterwards Lord Herries of Terregles in the Peerage of Scotland.

\* Memoir of Sir Edward Vavasour contained in "Salvage from the Wreck."

William (Maxwell), sixth Earl of Nithsdale, joined Lord Derwentwater's Rebellion, and took a prominent part in the insurrection of 1715. He was taken prisoner at the battle of Preston, November the 14th, and found guilty of high treason in the January following, being attainted and sentenced to be executed on the 14th of February, 1715-16. His escape from the Tower of London through the contrivance of his courageous wife, Winifred, Lady Nithsdale, daughter of William (Herbert), first Marquess of Powis, is well known. His only son and heir, William (Maxwell, styled) "Earl of Nithsdale," had an only child, "Lady" Winifred Maxwell, who married William Haggerston Constable (formerly Haggerston, second son of Sir Carnaby Haggerston, third Baronet of Haggerston Castle, Co. Northumberland). Their eldest son, Marmaduke William Constable, assumed the surname of Maxwell by royal license. His eldest son, William Constable Maxwell, married, as above stated, Marcia Mary Vavasour. He obtained the reversal of the attainder of his ancestor by Act of Parliament in 1848, and it having been resolved by a Committee of the House of Lords that he had made out his claim to the Barony of Herries of Terregles in the Peerage of Scotland, he accordingly became entitled to that dignity. His son, the present Lord Herries, was in 1884 created Baron Herries of Carlawerrock Castle, Co. Dumfries, in the Peerage of the United Kingdom. The Rev. P. Gallwey, S.J., in his memoir of Sir Edward Vavasour, relates that "Marcia Lady Herries used often in after-life to confess in her simple and laughing style how she used to rebel in her childhood against all her father's efforts to make her pious; but all who knew her in later years well remember what fruits the early training bore, and with what energy she afterwards strove to inspire into her children the veneration for Holy Mass and the Blessed Eucharist which she had learned from her father." The same writer, in the funeral discourse which he preached at the funeral of Lady Herries in the chapel at Everingham, spoke highly of her Christian character. Lord Herries died in London November the 12th, 1876; Lady Herries died in Rome on the 13th of November, 1883, being buried at Everingham, Co. York, on

the 4th of December, 1883. Their graves lie beside the chapel which was built by Lord Herries.

- vii. Mary Stourton, second daughter, born September the 11th, 1818, at Hazlewood, and baptized there the following day. The date of her death is not entered in the pedigree recorded in the College of Arms, but presumably she died in her early infancy.
- viii. Mary Vavasour, formerly Mary Stourton, third daughter. She was born at Hazlewood on the 26th of December, 1819, and was baptized there the following day. She was a nun at the Convent of the Sisters of Mercy at Nottingham. Father Gallwey, in his memoir of Sir Edward Vavasour, when speaking of the mission held by Dr. Gentili at Hazlewood, says: "It was then that Sir Edward's two unmarried daughters made up their minds to consecrate themselves to God in religious life." Shortly after, therefore, Sir Edward Vavasour conducted his daughter Mary to Nottingham, where she entered the Convent of Mercy. There she won the hearts of all her sisters in religion, and of the poor, by her never-failing charity and humility. She lived to be Mistress of Novices, and it was while she exercised that office that one of her relatives paid her a visit, and asked her what her work in the convent was. She answered promptly: "My work is to do anything I am told, from scrubbing a candlestick to cleaning a pair of shoes." Her sisters in the Convent bear testimony that in these words she gave a true account of her life. Her father had duly paid to her the portion which he held in trust for her, and writing to his daughter Anne at Loughborough from Paris, February the 1st, 1847, in reference to the latter's portion, said that he had "done the same to Marcia and Mary," meaning his other two surviving daughters. She died in the Convent of the Sisters of Mercy at Nottingham, June the 3rd, 1850.
- ix. Anne Mary Vavasour, formerly Anne Mary Stourton, fourth and youngest daughter. She was born June the 10th, 1823, and was baptized at Hazlewood. She is now a nun in Italy. On August the 15th, 1846, she entered the Convent of the Sisters

of Providence near Loughborough. "Soon after Sir Edward's return home, his only remaining daughter, after a long struggle as to whether she ought to leave him, and after taking prudent advice from wise friends, wrote him a letter, for she could not speak it, announcing to him that she also desired to consecrate herself to God in the religious state. In due time her father conducted her to the Convent of the Sisters of Providence, near Loughborough."\*

IV. The Honourable Charles Stourton, afterwards the Hon. Charles Langdale, of Houghton Hall, near Market Weighton, Co. York, fourth son of Charles Philip, 17th Lord Stourton.

He was born in London† September the 19th, 1787. His godfather was Bernard Edward, Duke of Norfolk. He was sent to Oscott College in January, 1799, where he remained until August, 1804. But he was not happy there, and his recollections of the time he spent there were far from pleasant. In October, 1804, he was removed to Stonyhurst. How long he remained at Stonyhurst is not known, but he was afterwards placed under the care of Dr. Everard at Ulverston. He subsequently went to reside in Edinburgh, where he attended lectures at the University. After leaving Edinburgh, he spent some time travelling in Europe, chiefly in Italy, Spain, and Portugal, and on one occasion (in Sicily), he had a very narrow escape from death at the hands of a robber. By Royal Sign Manual, dated the 24th of December, 1814, he assumed the surname and arms of Langdale only, in compliance with the testamentary injunction of his cousin, Philip Langdale, of Houghton Hall, aforesaid, Esquire, head of the senior branch of the Langdale family. The Honourable Charles Stourton was twice related to the aforesaid Philip Langdale. The mother of the Hon. Charles Stourton was of course the Hon. Mary Langdale, daughter and eventually sole heir of Marmaduke, fifth and last Lord Langdale of Holme-on-Spalding-Moor. But though the Lords Langdale and Philip Langdale of Houghton derived originally from the same ancestors, the relationship was somewhat remote, and Philip Langdale and the Hon. Charles Stourton stood related to each other in a much closer degree. If reference be made to page 509, it will be seen that the mother of Philip Langdale was Mary Stourton, sister of the 15th and 16th Lords Stourton, and consequently the Hon. Charles Stourton was the son of the first cousin of the aforesaid Philip Langdale. There seems no reason

\* Rev. P. Gallwey's memoir of Sir Edward Vavasour.

† Vide *Dublin Review*.



THE HONOURABLE CHARLES LANGDALE.

BORN 1787. DIED 1868.

*From a Water-colour Sketch at Houghton Hall.*



to doubt that it was to this relationship that the inheritance of Houghton was due. The arms of Langdale exemplified under the Royal License were as hereunder :



*Arms of Langdale, "Sable, a chevron between three estoiles argent. Crest, upon a wreath of the colours, an estoile argent." The Langdale motto is "Post tenebras lucem."*

The Houghton Hall estate, to which Mr. Charles Langdale thereby succeeded, is in the East Riding of the County of York, in the parishes of Houghton, Sancton, South Cliff, Market Weighton, Hotham, and Holme-on-Spalding-Moor. At the present time (1898) it contains 4,688 acres. Under his father's will, Mr. Charles Langdale, in addition, succeeded to the Holme Hall estate, also in the East Riding, and after his second marriage he took up his residence at this latter place. Mary (Langdale), then Dowager Lady Stourton, had previously resided there, but (as has been related) on the death of the Hon. Mrs. Vavasour, Lady Stourton went to reside with her son Sir Edward Vavasour at Hazlewood. But under the clauses (see pages 587 and 628) of a settlement created under that will it was provided that in the event of the annual revenues from the Hazlewood estate, which eventually devolved upon the Hon. Sir. E. M. Vavasour, Bart., failing to amount to a specified sum, the Holme estate should then revert to Sir Edward Vavasour. This state of things did come to pass, and Mr. Charles Langdale at once relinquished the property he held under that condition. The peculiarly characteristic manner in which he did so has already been related in the life of his brother. The Holme Hall estate at a later date passed by purchase to his younger brother, the Hon. Philip Stourton. Having no choice but to make Houghton his new home, his first step was to build a chapel, and until this was done he did not go to reside there permanently. At the opening of the chapel in February, 1829, the Rev. Mr. Martin, of Walsall, in his sermon, spoke of its being the first Catholic Church that had been built out from the house, but attached to it, since the Reformation, and which appeared boldly as a Catholic church. It is not positively known, however, how far this is correct.

The Hon. Charles Langdale was in the Commission of the Peace, and was a Deputy Lieutenant for the county of York.



He was Member of Parliament for Beverley from 1832 to 1834. At the election he polled 576 votes, of which 149 were plumpers. The figures of the other candidates were: Henry P. Burton 490, and C. Winn 464.\* His religion was a great obstacle to him at Beverley where the contest was sharp, and his eldest daughter Mary, in her manuscript "Recollections" of her father, writes: "His well known Reform and anti-slavery politics were, I believe, his chief cause of success." Nothing could exceed the horror of Mr. Langdale at the bribery and intoxication which, in spite of his strenuous efforts, were employed in that election, in accordance with the then universal practice. This made such an impression upon Mr. Langdale that he declined to contest another election in Beverley, giving this as his reason, and thereby earning for himself the nickname of "The Temperance Member." He afterwards sat in Parliament for Knaresborough from 1837 to 1841. On this occasion the result of the poll was: R. Rich 172, Hon. C. Langdale 124 (of which only four were plumpers), and Andrew Lawson 118.† He did not seek re-election at the General Election in 1841. As a Member of Parliament, he was most assiduous in his attendance at the House, never absenting himself on the pretext of another engagement, and he was indefatigable in sitting up till the debates were ended. "He made it a matter of duty never to spare himself in any way, so as to be ever ready to promote in every way he could the good of religion and the benefit of the country in general." He entered Parliament as a supporter of Earl Grey, and considered himself to belong to the Whig party. His first speech during his Parliamentary career was delivered in the debate on the Address, on the 11th of February, 1833. He spoke on the construction of the Catholic Oath. He was induced to do so because one of the speakers, Dr. Lushington, had questioned the propriety of Catholics voting on Church matters. The origin of the discussion of this question of the Catholic Oath in Parliament was the introduction of a Bill called "The Church Temporalities (Ireland) Bill," the object of which was to reduce and reform the Irish Church, and to appoint a commission to carry out those objects.

In the early part of the year 1833 Lord John Russell brought in a Bill to allow Dissenters to marry in their own chapels. This Bill, however, did not bring any relief to Catholics; and Mr. Langdale, on the 11th of March, 1834, protested against Catholics being compelled to have recourse to ministers of the Established Church in the affair of marriage. He also presented a petition from the Catholic clergy of the Midland district against Lord John's Marriage Bill, and praying for relief from existing grievances. Later on in the year Mr. Langdale himself brought

\* *Vide* G. R. Park's book on the "Parliamentary Representation of Yorkshire," but the *Morning Post* for December the 13th quotes this figure as 466.

† These figures are also taken from Mr. Park's book, but the *Morning Chronicle* of the 27th of July, 1837, gives the figures, Rich 171, Langdale 123, Lawson 117.

in a Bill for the regulation of Roman Catholic marriages, and carried it to the third reading, having, in the course of the debates, been complimented by several members on the able and successful manner in which he had conducted the Bill. On the question that the Bill be read a third time, Lord Althorpe, who was Home Secretary and Leader of the House, rose, and urged Mr. Langdale to withdraw his Bill on the ground that the question of marriages by Dissenters generally was one requiring immediate attention; and declaring the intention of the Government to introduce at an early date a large measure regulating the marriages of Catholics and Dissenters. O'Connell and others having joined with Lord Althorpe in requesting Mr. Langdale to withdraw his Bill, he did so, expressing at the same time his reliance on the assurances given by the Home Secretary. Mr. Langdale, whilst in Parliament, was always on the watch to secure the rights of the poor in the matter of freedom of worship. Accordingly, on the 20th of March, in the year 1838, he moved that it be an instruction to the Poor-Law Committee to ascertain what had been done in this matter, and what provision could be made to secure for the inmates of workhouses the exercise of their right to attend Divine service according to their respective creeds. Lord John Russell, then Home Minister, assented to the spirit of the motion, and said he would put Mr. Langdale on the Committee. Throughout the time he sat in Parliament his strenuous efforts on behalf of Catholic education were never relaxed.

"While yet a member of Parliament," says his daughter, "Ireland was always a cause that roused his enthusiasm, and brought him into close friendship with O'Connell, who, at the public dinner given to my father on his retirement from Parliament, complimented and thanked him publicly for having always advocated the interests of Ireland." Mr. Langdale had rendered such signal services to the Catholic cause that, when in the year 1841 it was seen that the Melbourne ministry was tottering to its fall, and that there must soon be a General Election, it was determined by the Catholics of England to invite him to a public dinner as a testimony of gratitude. Mr. Langdale accepted the invitation, and the dinner took place in the Freemasons' Tavern on the 18th of May. Lord Camoys presided, and O'Connell, as above mentioned, was present. The speeches, of course, were highly laudatory, and O'Connell very well described Mr. Langdale as "an admirable and indefatigable representative." A subscription was begun to defray the expenses of the re-election of Mr. Langdale for Knaresborough, but it was evident that his re-election could not be ensured without the usual amount of bribery and "treating." Mr. Langdale would not submit to such conditions, and consequently made up his mind to retire from Parliament. The money subscribed was returned to the subscribers.

For some time he held a commission in the Yorkshire Hussars (Yeomanry

Cavalry), being appointed Captain in that Regiment in the year 1809. He resigned his commission May the 24th, 1817.

The Hon. Charles Langdale was twice married, and left issue by each marriage. He married firstly, on January the 27th, 1817, at Ugbrooke Park, Co. Devon, the Honourable Charlotte Mary Clifford, fifth daughter of the Right Honourable Charles (Clifford), sixth Lord Clifford of Chudleigh, by his wife, the Honourable Eleonora Mary Arundell, youngest daughter of the Right Honourable Henry (Arundell), eighth Lord Arundell of Wardour. Charlotte Mary, the Hon. Mrs. Langdale, was born at Ugbrooke Park, February the 17th,\* 1796, and baptized there the same day. She died (leaving issue two daughters) at Ugbrooke Park, March the 31st, 1819, and was buried there the 7th of April following. On a small marble tablet over her tomb is the following inscription †

"Hon<sup>ble</sup> Charlotte Langdale  
Born Feb 15<sup>th</sup> 1796  
Married Jan 27<sup>th</sup> 1817  
Died March 31<sup>st</sup> 1819."

Mr. Charles Langdale married secondly, on the 1st of May, 1821, at Everingham Park, Co. York, Mary, eldest daughter of Marmaduke William Constable-Maxwell, of Everingham Park, Esquire, by his wife, Theresa Apollonia, daughter of Edmund Wakeman of Beckford, Esquire. Mary, the Hon. Mrs. Langdale, died (having had issue five sons and eight daughters) September the 25th, 1857, in Edinburgh, and was buried in the Catholic cemetery at Sancton, near Houghton. There is an inscription to her memory (which will be found on page 659) upon the tomb in that cemetery which contains the remains of herself and her husband.

Mr. Charles Langdale is always looked upon as one of the principal emancipators of Catholics from the severe persecutions under which they had suffered since the reign of Queen Elizabeth until the passing of the Catholic Emancipation Act. Mr. Thompson Cooper, F.S.A., says: "He stood side by side with the Howards, the Talbots, the Arundells, the Petres, and the Cliffords, to claim on behalf of English Catholics the right of political emancipation." This principle had been for many years admitted by the Lower House of Parliament, before the Upper House could be finally induced to pass the Emancipation Bill into law. He was the author of many Catholic pamphlets, and in 1856 Charles Langdale published his "Memoirs of Mrs. Fitzherbert," with an account of her marriage with H.R.H. the Prince of Wales, afterwards King George IV. The work was dedicated by Mr. Langdale to his nephew, Charles, 19th Lord Stourton, in a letter addressed from Houghton, dated the 22nd of December, 1855, and subscribed, "Your Affectionate

\* *Vide* College of Arms pedigree.

† Communicated by Lord Clifford to Lord Mowbray, Segrave, and Stourton.

Uncle, Charles Langdale." In the course of his dedicatory letter he stated to his nephew that "You will recollect forwarding to me, on the death of your lamented Father, a sealed parcel of papers addressed to me, and to be delivered unopened." The author then alludes to the parcel as referring "to the principal events connected with the Marriage of the late Mrs. Fitzherbert with the then Prince of Wales, afterwards George IV.," which he had received "to be used only in defence of the unblemished reputation of a dear friend and near relative, and of the religion which they in common professed." Mr. Langdale continues: "It is now more than a twelvemonth since my attention was called to a gross attack upon the honour and virtue of Mrs. Fitzherbert," which, "if substantiated, would equally damage the religion which sanctioned her union with the Prince of Wales, and her own conduct under such sanction, I feel myself bound to fulfil the pledge given to my Brother, your revered Father, and to employ all the means placed at my disposal to rescue a Catholic lady and the Catholic Church from the opprobrium which would attach to them if the aspersions contained in the 'Memoirs of the Whig Party,' by the late Lord Holland, and edited by his Son, were founded on facts." Mr. Charles Langdale proceeds to point out that the character of Mrs. Fitzherbert must depend upon her marriage with George IV.: he was "therefore determined to lay every circumstance connected with it fully and fairly before the Public," and this he did in a very satisfactory manner. As the fact of the marriage is the crux of the whole argument, it is necessary to say that Mrs. Fitzherbert was a Catholic lady and a widow, and there can be no question that a marriage ceremony had been solemnized between the Prince of Wales and Mrs. Fitzherbert. Legally, such a marriage was nullified by the provisions of the Royal Marriage Act. The Bill of Rights of William and Mary prevented an heir-apparent to the Throne who married a Catholic from ever inheriting the Crown of England, in which case happening, the Act provided that the people of these realms should be, and were thereby, absolved of their allegiance. But the Royal Marriage Act (12 Geo. III., c. 11), however, rendered null and void any marriage contracted by any descendant of George II., without the previous consent of the King, or a twelvemonths' notice given to the Privy Council. But the honour and virtue of Mrs. Fitzherbert were at stake, for those who held bigoted views against Catholics alleged that, even assuming that the marriage was good according to the rites of the Established Church of England, Mrs. Fitzherbert could have only looked on the marriage as a mere ceremony, inasmuch as it was not solemnized according to the form of marriage prescribed in the Catholic Church, and therefore it is necessary to speak of the matter from that point of view. The Catholic religion admitted "no distinction between a prince and a peasant, condemning alike the criminal indulgences of either, and maintaining in both the indissoluble sacredness

of the marriage contract." This was an answer to Lord Holland's assertion that "no ceremony by a Catholic priest took place at all," for Mr. Langdale\* clearly shows that "the presence of a Catholic priest would not, in any way, have added to the validity of the marriage in the eyes of the Catholic Church," which "teaches that the marriage contract itself is perfected by the words 'I take thee for my wife' on the part of the man, and 'I take thee for my husband' on the part of the woman, or by any other words or signs by which the contracting parties manifest their intention of taking each other for man and wife." And it is to be noticed that it is not the priest who administers the sacrament to the wedded pair; even where both the contracting parties are Catholics "the priest need not utter a word," for "his presence is only necessary as a *witness* to the contract between the parties." This appears to be in conformity with the period "up to the time of the Council of Trent," when "the presence of a priest was not necessary for the validity of either the contract or the sacrament. . . . The law was made in consequence of the abuses which arose from clandestine marriages," for the presence of "the parish priest of one of the contracting parties, or some other priest deputed by him, and two other witnesses," were only necessary that no one should deny "the existence of the contract, and wed another publicly and in the face of the Church"; and "the presence of two other witnesses is required, exactly in the same way as that of the parish priest." Consequently the marriage "should be contracted in the presence of three witnesses, one of whom should necessarily be the parish priest." This law was not "made at once obligatory even on Catholics," for "by an ordinance of the Council, it was not to have effect in *any parish* until thirty days after it had been published there," and it "never did apply to any marriage in those countries where one of the parties is not a Catholic. Neither in such marriages which are called mixed, nor in those contracted between parties neither of which belong to the Catholic Church." There "is not even" any necessity for "the contracting parties" to "*know* that marriage is a sacrament," which "exists wherever Christians marry as Christ intended; and if they be properly disposed, they will receive grace to live happily together, and to bring up their children in the fear and love of God." "Mrs. Fitzherbert's marriage was, therefore, perfectly valid, both as a contract and as a sacrament, in the eyes of the whole Catholic Church," because "neither the Pope nor the whole Church could have annulled it, nor allowed her to marry another." At the time of her marriage with the Prince Regent "the penal code against Catholics—and especially that part of it which regarded Matrimony—was in full operation," and it was not because the English law prohibited the marriage that it made it any the less a valid

\* Mr. Langdale adopted the view of an eminent theologian of the Irish Catholic Church, who contributed an article to the *Dublin Review*.



marriage according to the doctrine taught by the Church of Rome, but because the law of England, until recent years, compelled Roman Catholics to be married by a Protestant clergyman. It is therefore only reasonable to suppose that Mrs. Fitzherbert looked on the marriage as valid in both the Protestant and Catholic Churches. Mrs. Fitzherbert was a descendant of the family of Smythe, Baronets of Acton Burnell, in Co. Salop, and had married firstly into the ancient Catholic family of Weld, of Lulworth Castle, where George III. had visited. Mrs. Fitzherbert was therefore closely related to the Stourton family by her own descent and by her first marriage. She married secondly Thomas Fitzherbert, of Swinnerton. Her first husband, Edward Weld, died in the first year of their marriage. Her second marriage lasted only for three years. "The Memoirs of Mrs. Fitzherbert" contain many historical facts, and the book includes a number of letters of William, Lord Stourton, and Charles Langdale, relating to the subject of Mrs. Fitzherbert's marriage and to the depositing of certain papers at Coutts's Bank. These papers included the certificate of the marriage of the 21st of December, 1785, between the Prince of Wales and Mrs. Fitzherbert. Mr. Langdale detailed the means which were adopted in order to obtain the disclosure of these papers, for the purpose of replying to Lord Holland's attack on the honour of Mrs. Fitzherbert. Unfortunately, some of the trustees in whose names the papers were deposited for safe custody declined to disclose them. There is not, and can never be, any doubt that the ceremony was performed, and that George IV. was greatly attached to Mrs. Fitzherbert, whom he treated with the respect that she was entitled to receive. Allerton Park, now the property of Lord Mowbray, Segrave, and Stourton, was formerly in the possession of the Duke of York, and he and his brother, the Prince of Wales, were accustomed to stay there.\* Mrs. Fitzherbert was well received at Court, and George III. used to visit Thomas Weld, of Lulworth Castle, one of whose daughters married William Joseph, eighteenth Lord Stourton. But in these pages it is hardly necessary to further discuss the "Memoirs of Mrs. Fitzherbert."

Of the life of Charles Langdale much has been related under the names of his brothers and his parents. It would serve no useful purpose to repeat it here. The Rev. P. Gallwey, S.J., in his memoir, and the records of the Society of Jesus, afford many details of the long and useful life of Charles Langdale. In Parliament, by his fearless honesty, he won respect for a cause previously a matter of almost popular abhorrence. He evinced a very determined energy in the protection of the Catholic poor from the misfortune of a godless education. Those who sat with him in the Committee Room, and took part with him at the many public meetings in which he was concerned, bore testimony to the patience and wisdom through which, in

\* Although Charles Philip, 17th Lord Stourton, actually purchased it from Colonel Thomas Thornton.

spite of the numberless difficulties which stood in the way, he perfected the organization which secured for the poorest Catholic children an education in accordance with the ancient faith. In this matter reference must be made to the Catholic Institute, which did so much good work in its day, and of which Mr. Langdale was Chairman of the General Committee. This owed its usefulness mainly to him, and out of this he, with the consent of the Bishops, formed the Educational Committee, the immediate predecessor of the Poor School Committee. The Institute had its origin in the Catholic Tract Society, which was commenced, through the persevering exertions of William Eusebius Andrews, "to whose exertions," says the Rev. Herbert Lucas, "as a publisher of cheap Catholic literature, our priests and people owed so much in the earlier decades of this century."

The Catholic Tract Society was established in the year 1834. Three years afterwards the Tract Society was saved from collapse by the infusion of new life. This was effected by enlarging its scope. In addition to the distribution of tracts, the object of the new organization was, in general terms, to watch over and protect the interests of the Catholics of Great Britain, with special reference to those unable to help themselves—such as soldiers, sailors, men, women and children in work-houses and hospitals; and also to the assistance, as far as possible, of what were then called poor-schools. This new association was formed in the year 1838, and was called the Catholic Institute. As Mr. Langdale was then in Parliament, and consequently residing for a considerable portion of the year in London, and as he had shown in the House of Commons his extraordinary capabilities as an advocate of the Catholic cause, he was called upon to take the lead in the Institute as Chairman of the General Committee. Mr. Langdale and those who heartily supported him took up the cause of the persecuted poor, and, undeterred by the apathy of many Catholics, worked hard in every way they could to obtain relief.

Mr. Langdale, though a strong Whig himself, was determined to ask for everything which would put Catholics on an equality with their Protestant fellow-subjects. In pursuing this course he did not hesitate to put pressure on the leaders of his own party, and he left no means untried to promote the ends he had in view. The life of the Catholic Institute was not a long one. It was not finally dissolved until the autumn of the year 1847, having lasted nine years. But for several years before that it practically existed only in its educational department. Mr. Langdale determined that all his energy (and he had plenty of it) should be given to providing sufficient means of educating those whom he used to call "our little ones." With this object he, with the sanction of the Bishops, obtained at a meeting of the Institute, in the year 1845, a new set of rules empowering an Acting Committee in London to raise funds and do all in their power to promote the great work of the education of the poorer class of



Catholics. He was himself chosen to be the Chairman of this Committee, and entered upon his duties with all his heart and soul. In the year 1846, though the Catholic Institute, as an association for the protection of Catholic interests in general, was languishing unto death, its utility as an organization for promoting education was increasing in vigour. The Vicars-Apostolic proposed that, instead of leaving the management of the provision of means for educating the poor in the hands of the Acting Committee of the Catholic Institute, an altogether separate Committee should be formed for the above purpose. The new Committee was to be called the "Education Committee of the Catholic Institute."

Immediately on the establishment of the Education Committee, Mr. Langdale turned his attention to the right of Catholics to receive a share in the Government grant for the purposes of education. Mr. George Blount, a member of the Educational Committee of the Catholic Institute, believes that the idea of the Poor School Committee had its origin in a conversation between Mr. Langdale and Bishop Wiseman. The Poor School Committee may be said to have been founded on the 27th of September, in the year 1847, but there does not appear to have been any formal document constituting the Committee. Before the public meeting at the Crown and Anchor, on the 29th of November, 1847, had been held, the first meeting of the Poor School Committee took place on the 10th and 11th of the same month. Of all the members of the Committee, Mr. Langdale was the only one who professed to make the work of education through the Committee the one great object of his life.

He made himself acquainted with everything, whether done or proposed to be done by the Government, or attempted by various politicians and religious bodies, which could in any way affect the education of Catholic children. He was not content with knowing and attending to the present wants of the Catholic schools—he looked forward to the future; and he was the first to bring before the Committee, and through the Committee before the public, the necessity of immediate Catholic action in the matter of training colleges, of reformatory schools, and industrial schools. Much might be written concerning Mr. Langdale's efforts in the cause of the education of poorer Catholic children. But the great interest Mr. Charles Langdale displayed with regard to reformatories, schools, prisons and workhouses, and the active share he took in many charitable undertakings, were well known. In fact, the most fitting summary of his life will be found in the words quoted concerning him in the *Dublin Review*: "During the last quarter of a century, whenever there has been a moment of special difficulty and danger, the Catholic body in this country, the bishops and the clergy, the nobility, the gentry and the poor, have with common instinct turned their eyes towards Mr. Langdale."

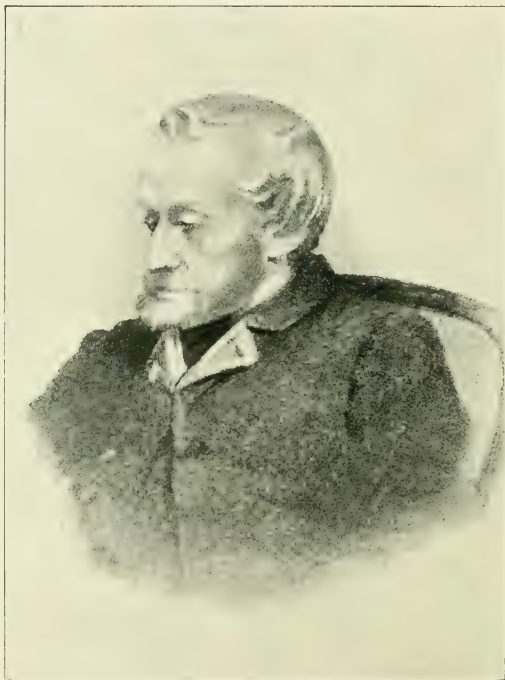
There is one incident, however, in the life of Charles Langdale which will cause

his name to be remembered and his memory to be revered amongst Catholics for many generations to come. The incident is referred to in the Rev. P. Gallwey's memoir of Mr. Langdale, and the following details are derived from that source. The incident created a lasting impression. It occurred at the time when the re-establishment of the hierarchy in this country caused an intense outbreak of Protestant feeling throughout the kingdom, and amongst other similar gatherings, a large meeting was convened in York Castle. The meeting was meant as a solemn protest against the act of the Pope, which was considered by Protestants as an aggression and usurpation. In the course of the meeting an English Peer, "after announcing to the assembled crowd that Pope Pius had restored the hierarchy, 'under the patronage of the Immaculate Mother of God and the Saints of England,' went on to say that he ventured to hope the Catholics of England were too enlightened to sanction such words, and put the challenge: 'I doubt whether any gentleman on these hustings would stand forward and say in words not capable of another interpretation that he believes in the patronage of the Virgin and the Saints.' Without a moment's hesitation, Mr. Charles Langdale rose to reply. After reproaching therefore very discreetly the introduction of such topics in presence of a divided population, he said: 'But as the noble Lord has chosen to do so, I am here in the face of the population of York, almost all of you differing from me in religion, to reply to the question he has proposed to me. He asks me, Would any man stand up and proclaim his belief in the assistance and patronage of the Saints? Well, I am here to proclaim my belief in the patronage and protection of the Blessed Mother of God and of His Saints.' After the cries of disapprobation had died away, he turned to the former speaker and said: 'Have I answered the question with sufficient distinctness for the noble Earl? I ask him once more, since the noble Earl seems to think we would resort to special pleading, Have I spoken plainly?' 'Certainly, quite plainly,' was the Earl's answer."

Another very similar incident occurred towards the close of Mr. Langdale's life. At a public entertainment to a venerable Bishop, the post of honour on that occasion had been declined by others of high station, who deemed it wrong that, even at such a gathering, the Pope should be given greater honour than the Sovereign. In spite of his age, and the growing love of retirement, which rendered him very averse to occupying any prominent position, Mr. Langdale could not allow such a point to pass. He accepted the place he had often occupied before, and took occasion to utter his protest: "I am astonished that in this nineteenth century any Catholic nobleman or gentleman should hesitate to give his proper position to the Vicar of Christ."

The private munificence and charity of Mr. Langdale were unbounded. Many evidences of this, together with many typical instances, are detailed in the Rev. P. Gallwey's memoir, which demonstrate the reason of the affection with which he was





THE HONOURABLE CHARLES LANGDALE.

BORN 1787. DIED 1868.

*From a Portrait in "Salvage from the Wreck."*

everywhere regarded. But he had the interests and well-being of his family so much at heart that he never permitted the gratification of any sacred taste, or of his passion for almsgiving, to prejudice the permanent interests of his children. The whole of his life bore witness to his exemplary piety, and in all things and on all occasions he was a manly, fearless and chivalrous Catholic. Although he seemed insensible to blame, he was at the same time painfully sensitive of commendation, and it was a terror to him to be praised or treated with any tokens of honour. On one occasion, in the Committee Room, where his word and example had done so much to cheer on and maintain the gallant struggle that eventually secured for the Catholic poor in England a just and secure system of education, he retired immediately, both pained and abashed, on being asked by his admirers to allow his portrait to hang amongst them at their labours. The accompanying portrait of Mr. Charles Langdale is a reproduction of one contained in "Salvage from the Wreck," which itself is from a photograph taken very shortly before his death. In the book from which it is taken this is referred to as the only known portrait of Mr. Langdale, but the statement is not accurate, there being at least two others in existence, one of which will be found herein.

The following is a description of Mr. Langdale by one who was intimately connected with him in his work :

"He was then in his fifty-second year. He was tall and stood very upright, like a man who had been drilled to throw his shoulders well back. He was not what I should call handsome, but had a very aristocratic countenance. He was altogether a very commanding figure. His face was much wrinkled ; his hair was light, rather inclining to red, short and very curly. His serious cast of countenance was only a little short of sternness ; but when animated or pleased there was something very manly and attractive in his look. He was peculiar in his dress. He habitually, except, of course, in his evening dress, wore what I suppose would be called a cut-away coat ; but the waist was longer and the skirts broader than was fashionable in that style of dress, and, what was very unusual in a long-waisted coat, every button from the chin to the waist was buttoned. If no other description had been given of him than this custom of buttoning his coat, he might easily have been singled out in an assembly of a thousand gentlemen. I don't remember ever to have seen him in a frock-coat, which was the usual morning dress of the period."

Although Charles Langdale practised as his first duty the providing of a fitting maintenance for his children, he was, nevertheless, always deeply concerned in the education and rights of the Catholic poor. He was what is often termed "a good listener," and was slow of speech. He always hesitated to praise or condemn anything which might be brought to his notice until he had thoroughly considered it. He was naturally of a meek disposition, to which was added much kindness of heart ; yet

when he conceived that his duty to his faith demanded a more vigorous attitude to be shown, his language was rapid and decisive. His energy on such occasions only rendered more remarkable his habitual freedom from anything tending to hastiness in forming a judgment. His forethought and self-control were a part of his nature, and it was characteristic of him that he should have always refrained from harsh or injurious words of anyone. Throughout his career he had prepared himself for the moment when he should be free to renounce the world, and embrace the severity of religious life. From the touching discourse preached at his funeral, it was evident that many outside his immediate family circle sincerely mourned his loss. Many minute particulars of his life and daily habits are recounted, and his various occupations bore a marked resemblance to the daily life of a devout Novice. An account of the Hon. Charles Langdale will be found in the "Dictionary of National Biography," but probably the best narrative of his life and work is contained in a series of articles by the Rev. W. J. Amherst, S.J. (the last survivor of the original Poor Schools Committee), published in the *Dublin Review*, 1892-93.

Those of his friends who possessed his intimate confidence were well aware that during the latter years of his life he spent much time considering how he could exchange the position he occupied for the humble one of a lay-brother in some religious house. At last, about three years before his death, he made his formal petition to be admitted to end his days among the lay-brothers of the Society of Jesus. But at that time, as the result of much reflection, he afterwards came to the conclusion that his duty to his family, and his duty to the poor Catholic children of England, whom, in a way, he might be almost considered to have adopted, alike prevented the then execution of his desires. But, as his end drew near, it was made known to him that he would be permitted to carry out his wish, and in the presence of the Most Blessed Sacrament he pronounced the religious vows of a lay-brother of the Society of Jesus.

The registers of the Society of Jesus contain the following entry: "Charles Langdale (*olim* Stourton), uncle of Lord Stourton, being dangerously ill and now near death, was, on November 19th, 1868, by special dispensation and license of the Very Reverend Father General, admitted to the Society in his 82nd year, as a Temporal Coadjutor, and soon after pronounced the simple vows of religion, according to the accustomed formula of that Society. He had earnestly begged this favour some years before. He died a holy death a few days later in his house in London, fortified by the Sacraments of the Church. He died the 1st December, 1868, aged 81, and was buried at Sancton, near his seat, Houghton Hall. He had been throughout life an excellent Catholic, had brought up a large family in the fear of God, was foremost in every work of public and private charity, and was so



highly respected in his county for his uprightness and sincerity of character, as to have been returned a Member of Parliament after the passing of the Catholic Emancipation Act. Equally staunch and fearless in the public profession, and defence of his holy religion, he stood up alone and boldly confronted a very large county Protestant meeting, convened in consequence of the excitement, approaching to mania, aroused by the formal restoration of the Catholic Hierarchy in England in 1851, the flames of which had been fanned by the famous Durham Letter of Lord John Russell. Brother Langdale would have taken the edifying step with which he crowned his long and virtuous life many years earlier but that he yielded to earnest solicitations and advice from the highest ecclesiastical quarters to continue his valuable and necessary services in the Catholic cause, especially as Chairman of the Poor Schools Committee."

The Hon. Charles Langdale died in London, December the 1st, 1868, and was buried in the Catholic cemetery of Sancton, in the East Riding of the county of York, on the 9th of the same month. The following inscription to his memory and to the memory of his second wife is taken from their tomb in the cemetery :

" Pray  
for the repose of  
the soul of  
The Hon Charles Langdale S.J.  
who died 1 Dec<sup>r</sup> 1868 Aged 81  
R. I. P.

Also for the soul of  
The Hon Mary Langdale  
his wife  
who died Sept<sup>r</sup> 25<sup>th</sup> 1857."

\* The Hon. Charles Langdale by his first marriage (with the Hon. Charlotte Mary Clifford) had issue :

Mary Langdale, eldest daughter, a Benedictine Nun. She was born November the 17th, 1817, at Houghton Hall. She wrote some manuscript "Recollections" of her father, from which copious extracts were printed in the life of Mr. Charles Langdale in the *Dublin Review*. She died at St. Benedict's Priory, Colwich, Stafford, of which she was Sub-Prioress, on the 1st of April, 1875.

Charlotte Mary Langdale, second daughter. She was born January the 10th, 1819. She was married at St. James's, Spanish Place, in the parish of St. Marylebone, London, on the 19th of January, 1846, to John Vincent Gandolfi, Esquire (born the 18th of August, 1818, only son of John Vincent Gandolfi, of East Sheen, Surrey, by Teresa Hornyold, his wife), by whom she has issue. Mr. John Vincent Gandolfi succeeded to Blackmore Park, Hanley Castle, on the death of his mother's uncle. Thomas Charles



Hornyold, Esquire, who died January the 17th, 1859, and in compliance with his will, Mr. Gandolfi assumed the surname and arms of Hornyold by Royal License, dated the 23rd of March, 1859. He is Lord of the Manor of Hanley Castle, is in the Commission of the Peace, and a Deputy Lieutenant, and was sometime High Sheriff, of the county of Worcester. He was created by Pope Gregory XVI., on the 22nd of January, 1840, a Knight of the First Class of the Noble Order of Christ. He is Marquis and Count Gandolfi of the Genoese Republic (creation 1529), Marquis of Montecrescente and Melazzi of the Duchy of Mantua (1620), Count of Gazelli and Chiosanica in Liguria (1636).\*

The Hon. Charles Langdale by his second marriage (with Mary, eldest daughter of Marmaduke Constable-Maxwell) had further issue :

- i. Charles Joseph Langdale, of Houghton Hall, Co. York, and of Celbridge Abbey, Co. Kildare, Esquire, in the Commission of the Peace for the East Riding of the county of York and for Co. Kildare, a Deputy-Lieutenant for the East Riding of Co. York, and sometime High Sheriff of Co. Monaghan (1869), eldest son and heir. He was born March the 7th, 1822, at Holme Hall, and baptized there the same day, his sponsors being Mr. Edward Stourton (proxy John Stolbery), and Mrs. Maxwell of Everingham. He was married August the 4th, 1852, at the church in Francis Street, Dublin, to Henrietta, eldest daughter and co-heir of Henry Grattan, of Celbridge Abbey, Co. Kildare, and grand-daughter of the Right Hon. Henry Grattan, M.P. She inherited from her father an estate in Co. Kildare comprising 462 statute acres in the Baronies of North and South Salt, including Celbridge Abbey, a mansion situated on the River Liffey, and historically known as the residence of Esther Vanhomrigh, the "Vanessa" of Dean Swift's poems. She subsequently derived from her mother an estate in Co. Meath, situated in the Barony of Upper Duleek, containing 994 statute acres and head-rents on land in the same county, situated in the Barony of Lune, of considerable value. Also an estate in Co. Monaghan consisting of 12 Townlands in the Baronies of Cremorne, Monaghan and Trough and containing 1,547 statute acres. Three of these Townlands situated in the Barony of Cremorne have since been sold to the occupying tenants under the Land Act of 1881. leaving

\* *Vide* Burke's "Peerage," 1898, and Debrett's "Peerage," 1898, and Burke's "Landed Gentry," 1898 (vol. i., p. 754).





HOUGHTON HALL, YORKSHIRE.  
*From a Photograph, 1890.*

about 1,000 acres. Henrietta, Mrs. Langdale, died at Houghton Hall, March the 12th, 1898, aged 70, and was buried in the same vault with the remains of her husband, in the Catholic cemetery at Sancton, on the 15th of the same month. Mr. Charles Langdale had predeceased his wife, having died at Houghton, April the 12th, 1895, and having been buried in the Catholic cemetery at Sancton. The tombstone bears the following inscription :

" Pray  
for the soul of  
Charles Langdale  
of Houghton  
who died on Good Friday 12 Apr 1895  
at Houghton  
in the 74<sup>th</sup> yr of his age

Also for the soul of  
Henrietta Langdale of Celbridge  
his beloved wife who departed  
this life fortified by the sacraments  
of the Church on 12<sup>th</sup> March 1898  
aged 71. R. I. P."

Mr. Charles Langdale by his wife Henrietta (Grattan) had issue :

1. Henry Joseph Grattan Langdale, of Houghton Hall, aforesaid, Esquire, eldest son and heir. He is in the Commission of the Peace, and is a Deputy-Lieutenant for the East Riding of the county of York, and was formerly (1887-1889) Captain in the 4th Battalion of the Princess Victoria's Royal Irish Fusiliers (Cavan Militia). He was born at St. Leonards, June the 2nd, 1853. The Houghton Hall estate, to which he succeeded on the death of his father, consists at present (1898) of 4,688 acres in the parishes of Houghton, Sancton, South Cliff, Market Weighton, Hotham and Holme-on-Spalding-Moor. He has also succeeded to the Irish estates inherited by his mother, and detailed above.
2. Marmaduke Joseph Langdale, second son, in Holy Orders of the Catholic Church, and a Benedictine Monk. He was born at Celbridge Abbey, Co. Kildare, October the 25th, 1861.
3. Philip Joseph Langdale, Esquire, third son, Captain in the 8th Hussars, and Adjutant to the

Kent Brigade of Yeomanry Cavalry since the 1st of August, 1895. He is in the Commission of the Peace for the East Riding of Co. York. He was born at Celbridge Abbey, aforesaid, May the 8th, 1863, and was married on the 18th of July, 1895, at the Oratory, Brompton, London, to Gertrude Lysley, daughter of Rear-Admiral Samuel Hoskins Derriman, C.B., R.N. Of this marriage there is issue a daughter,

Joyce Elizabeth Mary Langdale, born at Houghton, April the 25th, 1898, and baptized in the chapel there on May the 2nd following.

4. Francis Joseph Langdale, fourth and youngest son, born the 19th of July, 1866, at Celbridge Abbey, Co. Kildare; married at St. Mary's Cathedral, Sydney, New South Wales, Australia, on the 6th of July, 1892, Teresa Mary, daughter of James Bruno Pilley, of Mawfield, Herefordshire, and widow of John Duncuff.
  5. Mary Langdale, elder daughter, a Sister of Charity, born at the Abbey, Celbridge, Co. Kildare, the 1st of September, 1856.
  6. Pauline Mary Langdale, second and younger daughter, born at Celbridge Abbey, Co. Kildare, on the 19th of June, 1858. She was married at Houghton Hall, 20th of September, 1887, to Major and Honorary Lieutenant-Colonel Horace Walpole, formerly of Mannington Hall, Co. Norfolk, and now of Heckfield Place, Co. Hants., late of the King's Royal Rifles, and of the 4th Battalion Norfolk Regiment (2nd Norfolk Militia), and has issue.
- ii. William Joseph Langdale, Esquire, of No. 7, Green Street, Grosvenor Square, London, in the Commission of the Peace for the East Riding of Co. York, second son of the Hon. Charles Langdale. He was born the 28th of March, 1826, at Holme Hall, being baptized there the same day; and was married at St. Mary's Catholic Church, Chelsea London, on the 8th of January, 1863,

to Emily Elizabeth Russell Crawford. Mr. Langdale had a commission in the East Yorkshire Volunteer Rifles from 1860 to 1864, holding the rank of Lieutenant when he retired. He died without issue at 7, Green Street, aforesaid, on the 13th of February, 1897, of acute bronchitis, and was interred at Fulham Cemetery on the 17th of February, 1897. The following is a copy of the inscription upon his tomb :

"Of your Charity  
Pray for the soul of  
William Joseph Langdale  
Died 13<sup>th</sup> Feb 1897. Aged 71  
Jesus Mercy : Mary Pray."

- iii. Philip Joseph Langdale, third son. He was born the 27th of June, 1827, at Holme Hall, and died the 28th of January, 1838, at Stonyhurst College, where he was buried on the 31st of the same month. The inscription on his tombstone is as follows :

"I.H.S.  
Sacrum  
Philippo Langdale  
Qui x Ann. Agens  
Quievit  
V. Kal. Feb  
Anno  
M. DCCC. XXXVIII  
R. I. P."

The following is an extract from the College Register of Deaths and Burials :

"Philip Langdale died January 28th, 1838, aged 10 years and was buried January 31st by the Rev<sup>d</sup>. William Rowe, S.J."

The following is the extract from the College Journal :

- "1838 Jany. 25 Thurs. Doctor Norris came to see Master Philip Langdale who is very ill from a relapse after the Measles.  
26 Friday. Dr. Norris came again to-day.  
P. Langdale received all the Sacraments.  
The child is not considered in immediate danger.  
28 Sund. Master Philip Langdale died this morning a little before 9 o'clock.  
31 Wed. Dirge for Master P. Langdale. Cross bearer, 2 Acolytes, the schools, the singers, the officiating priests, the corpse followed by C. Langdale, Father Rector, the Relatives of the Deceased and his School

headed by Mr. Clough the Master. This was the order of the procession."

- iv. Henry Joseph Langdale, fourth son, a Priest of the Redemptorist Order, in Holy Orders of the Catholic Church. He was born in April, 1837, at Houghton Hall. He died at Clapham, March the 23rd, 1871, and was buried in Mortlake Cemetery, in the same grave with two other Redemptorist Priests. The entire inscription is as follows :

" J. M. J. A.



Pray for the soul of  
Rev. Fr John J. Furniss, Priest  
Died Sep<sup>r</sup> 16 1865  
Rev. Robert Hart, Priest  
Died Feb<sup>y</sup> 18 1869  
Rev. Henry Langdale, Priest  
Died March 23, 1871  
Of the Congregation of the M. Holy Redeemer  
St. Mary's, Clapham  
With Him there is plentiful redemption.  
R. I. P."

- v. Arthur Joseph Langdale, fifth and youngest son, a Member of the London School Board. He was born the 14th of July, 1838, at Houghton Hall. He was married on the 6th of August, 1872, at the Catholic Chapel, Warwick Street, London, to Catherine Agnes, daughter of Adrian de Bruyn, of Zevenbergen, North Brabant. He died at Wimbledon, Co. Surrey, the 24th of November, 1893, and was buried in the cemetery at Mortlake. The inscription upon the monument (which is of marble, with a figure of Christ upon the Cross) erected to his memory is as follows :

" Pray for the repose  
of the soul of  
Arthur Joseph Langdale  
Tertiary of St. Francis  
Who departed this life at Wimbledon  
November 24th, 1893 Aged 55."

By his wife Catherine Agnes (de Bruyn) he had issue :

- (a) Charles Adrian Joseph Stourton Langdale, elder son, born at 1, York Gate, Marylebone, London, the 14th of August, 1874, and baptized at St. James's Catholic Church, Spanish Place, London, on the 17th of the same month.



- (b) Edward Francis Joseph Stourton Langdale, second and younger son, born at the Grange, Painswick, Stroud, the 21st of October, 1884, and baptized at the Church of the Immaculate Conception, Stroud, the 24th of the same month.
  - (c) Cecilia Mary Stourton Langdale, eldest daughter, born at 1, York Gate, Marylebone, London, the 23rd of January, 1876, and baptized at St. James's Catholic Church, Spanish Place, London, the 26th of the same month.
  - (d) Mary Agnes Stourton Langdale, second daughter, born at 1, York Gate, Marylebone, London, the 2nd of December, 1877, and baptized at the Church of Our Lady, St. John's Wood, London, the 8th of the same month.
  - (e) Gertrude Mary Josephine Stourton Langdale, third and youngest daughter, born at 46, Via Rabnino, Rome, on the 1st of March, 1882, and baptized at St. Peter's, Rome, the 5th of the same month.
- viii. Eliza Mary Langdale, third daughter of the Hon. Charles Langdale, but the eldest by his second marriage, an Ursuline Nun at St. Margaret's Convent, Edinburgh. Born the 17th of May, 1823, at Holme Hall and baptized there the following day. She died and was buried at St. Margaret's Convent in 1885.
  - ix. Frances Mary Langdale, fourth daughter. She was born the 28th of November, 1828, at Houghton Hall, and died on May the 7th, 1898, at 52, South Street, Park Lane, London, being buried in Mortlake Cemetery the 11th of May following.
  - x. Gertrude Mary Langdale, a Nun at the Convent of the Sisters of Mercy at Bristol, fifth daughter. She was born the 1st of September, 1830, at York, and died the 28th of March, 1876, being buried at the aforesaid convent.
  - xi. Edith Mary Langdale, sixth daughter. She was born and died in the year 1831, at Houghton Hall, and was buried in the Catholic cemetery at Sancton.
  - xii. Caroline Mary Langdale, seventh daughter. She was born the 20th of August, 1833, at Houghton Hall, and died unmarried

at Vezze, in Switzerland, on the 4th of February, 1898, being buried there on the 8th of the same month.

xiii. Constance Mary, eighth daughter. She was born at Houghton Hall the 28th of February, 1835.

xiv. Lucy Mary, ninth daughter. Born 1839, at Ramsgate, Co. Kent, and died 1840, being buried in the Catholic cemetery at Sancton.

xv. Cecilia Mary, tenth and youngest daughter, a Nun of the Order of the Good Shepherd, at the Convent, Finchley. She was born at Houghton Hall in January, 1841.

V. The Honourable Robert Stourton, fifth son of Charles Philip, 17th Lord Stourton. He was born 1791-92, and was buried at Darrington, Co. York, the 2nd of August, 1797, aged 6 years.

VI. The Honourable Philip Henry Joseph Stourton of Holme Hall, in the parish of Holme-on-Spalding-Moor, Co. York, sixth and youngest son of Charles Philip, 17th Lord Stourton. He was born the 14th of January, 1793. He was educated at Stonyhurst College, Co. Lancaster, and was in the Commission of the Peace, and was a Deputy-Lieutenant for the East Riding, Co. York. He obtained the Holme Estate by purchase from his brother Sir Edward Vavasour (see p. 647). He was married firstly in the drawing-room of 47, Brook Street, London, and secondly at St. George's, Hanover Square, the 28th of July, 1829, to Catherine (born at Corby Castle, 23rd of May, 1802), eldest daughter of Henry Howard, Esquire, of Corby Castle, Co. Cumberland, a lineal descendant of Thomas Howard, 4th Duke of Norfolk, K.G. He died at Holme Hall the 3rd of August, 1860, and was buried, the 10th of the same month, in the Catholic cemetery adjoining the churchyard at Holme, where there is an inscription round his tombstone, of which the following is a copy :

"Pray for the Soul of The Hon<sup>ble</sup> Philip Joseph  
Stourton, who died the 3rd day of August,  
1860. Aged 67."

His wife died on the 27th of January, 1874, and was also buried in the Catholic cemetery at Holme, where an inscription on her tomb records :



"Of your Charity  
Pray for the soul  
of  
The Hon<sup>ble</sup> Catherine Stourton  
Who died 27<sup>th</sup> January  
1874.  
Aged 71."



Rev. Amos A. Phelps  
Died Nov. 18, 1878  
Buried in the City of New York



The Hon. Philip Stourton had by his said wife Catherine (Howard) the following issue :

- i. Philip Stourton, Esquire, eldest son, born at Holme Hall, the 16th of June, 1833 ; buried at Holme Parish Church the 23rd of the same month.
- ii. Philip Stourton, Esquire, second son, born and died the 8th of July, 1838, and was buried in Holme Parish Church, and on a cross in the Catholic cemetery there is an inscription to himself, one other brother, and two of his sisters, as follows :



" In Memory of  
Amy Mary Stourton  
Who died at St Leonards  
10<sup>th</sup> January 1849 Aged 17 years  
Buried at Hastings  
R. I. P.  
Philip Henry Stourton  
Who died 26<sup>th</sup> May 1848  
Aged nearly 6 Years  
Adela Mary Stourton  
Died 1840 Aged 9 months  
Philip Stourton  
Born and died July 8<sup>th</sup> 1838  
Buried at Holme Church."

- iii. Philip Henry Stourton, Esquire, third son. He was born and baptized at Holme Hall the 21st of July, 1842, and died there the 26th of May, 1848, being buried in the parish church there. On the above-mentioned cross in the Catholic cemetery the following is part of the inscription :

" Philip Henry Stourton  
Who died 26th May, 1848.  
Aged nearly 6 years."

- iv. Henry Joseph Stourton, Esquire, of Holme Hall, fourth but only surviving son and heir, B.A., Ch. Ch., Oxford, in the Commission of the Peace for the East Riding of Yorkshire. He was born and baptized at Holme Hall the 4th of July, 1844. He was married, at the Church of the Assumption, Warwick Street, Soho, London, the 19th of September, 1870, to Lydia Anne Tichborne, daughter of Captain Washington Hibbert, of Bilton Grange, near Rugby, Warwickshire, of the 1st Dragoon Guards, by Julia, his wife, daughter of Sir Henry Joseph Tichborne, 8th Baronet, of Tichborne Park, Alresford, Hants., and Upton Park, Poole, Co. Dorset, and widow of Charles Thomas Talbot (second, but eldest surviving son

of Francis Talbot, Esquire, of Witham Place,\* Co. Essex, and brother of the Rt. Hon. George (Talbot), 14th Earl of Shrewsbury), by whom the said Julia (Tichborne) was mother of the Rt. Hon. Bertram Arthur (Talbot), 17th Earl of Shrewsbury. He joined the Yorkshire Hussars, Yeomany Cavalry as Cornet the 1st of May, 1872; was promoted to the rank of Lieutenant, the 1st of June, 1873; Captain, the 9th of March, 1881; Honorary Major, 26th October, 1886; and resigned his commission, 4th April, 1894.† The Holme Hall Estate, which passed to this branch of the family by purchase, is in the East Riding of the county of York, and consists now (1898) of 3,800 acres in the parish of Holme-on-Spalding-Moor. Lydia, Mrs. Stourton, died the 27th of February, 1888, at 5, Lower Berkeley Street, London, and was buried in the Catholic cemetery at Holme, where is an inscription on her tomb as follows :

"Ex Charitate tua  
Ora pro Anima  
Lydiæ Annæ Stourton  
Quæ die 27<sup>mo</sup> Feb AD 1888  
Anno Ætatis 45<sup>to</sup>  
Obdormivit in Christo  
Requiescat in pace."

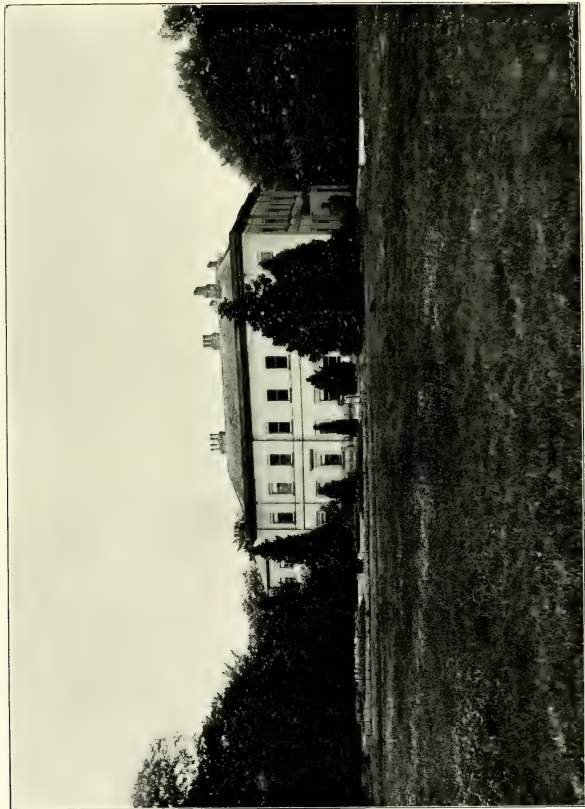
Mr. Henry Stourton died, without male issue, October the 19th, 1896, being buried at Holme the 23rd of the same month. The following inscription to his memory has been placed on his tomb :

✠  
"In tua caritate  
Ora pro anima  
Henrici Josephi Stourton  
Qui  
Die decimo nono Octobris A D 1896  
Subito et libenter evolavit in patriam  
Requiescat in Pace  
—  
Valeas et in Christo vivas."

His will was dated the 6th of October, 1893. Probate was granted the 24th of March, 1897. Under this will the Holme Estate passed to the younger daughter. He had issue by Lydia (Hibbert), his wife, two daughters and co-heirs :

\* This was the residence of William and Charles Philip, 16th and 17th Lords Stourton, as previously shown.

† From information supplied by Lord Bolton.



HOLME HALL, YORKSHIRE

*From a Photograph, 1890.*





1. Violet Mary Annette Stourton, elder daughter, born the 3rd of January, 1873, in London. She was married on the 19th of September, 1893, in the chapel at Holme Hall, to Francis Siltzer, of 4, Cromwell Houses, South Kensington, by whom she has issue.
2. Amy Mary Josephine Stourton, second and younger daughter. Born in London the 22nd of November, 1874. She was married at the Oratory, Brompton, London, on the 29th of September, 1896, to Frederic Dundas Harford now (1898), second Secretary to H.M. Legation at Munich (second son of the late John Battersby Harford, Esq., J.P., of Blaise Castle, Co. Gloucester, and Falcondale, South Wales), and has issue.
- v. Catherine Mary Stourton, eldest daughter. Born in London the 26th of May, 1830; a Benedictine Nun at St. Scholastica's Priory, Atherstone, Co. Warwick.
- vi. Amy Mary Stourton, second daughter. She was born at York, the 10th of November, 1831; she died at St. Leonards-on-Sea, the 10th of January, 1849, aged 17 years, and was buried at Ore, near Hastings. The part of the inscription to her memory on the cross, in the Catholic cemetery at Holme, is:  

"In memory of  
Amy Mary Stourton  
who died at St Leonards  
10th January 1849 aged 17 years  
Buried at Hastings  
R.I.P."
- vii. Blanche Mary Stourton, third daughter. She was born and baptized at Holme Hall, the 20th of September, 1834. She was married, in the Chapel at Holme Hall, the 25th of June, 1856, to Sir James George Dalton-FitzGerald, of Castle Ishen, Co. Cork, ninth Baronet, who was born the 6th of January, 1831, and who assumed, by Royal Licence dated May the 31st, 1861, the name of Dalton before that of FitzGerald, with the arms of Dalton quarterly with those of his own family, and died, without issue, the 16th of January, 1867. Lady Dalton-FitzGerald being then a Sister of Mercy of the Irish

Congregation in Dublin, died the 7th of June, 1875, and was buried at Donnybrook, Co. Dublin.

- viii. Henrietta Mary Stourton, fourth daughter, a Benedictine nun at St. Scholastica's Priory, Atherstone, Co. Warwick. Born at Holme Hall, the 26th of March, 1836, and baptized there the day following. She died the 2nd of December, 1892, at Atherstone, and was buried at the convent there.
- ix. Winifrid Mary Stourton, fifth daughter. Born the 29th of October, 1837, and was baptized at Holme Hall the same day.
- x. Adela Mary Stourton, sixth and youngest daughter. She was born and baptized at Holme Hall, the 3rd of July, 1839; she died the 7th of April, 1840, being buried in Holme Parish Church. An inscription on the before-mentioned cross, in the Catholic cemetery there, records :

"Adela Mary Stourton  
Died 1840 aged 9 months."

- VII. The Honourable Constantia Mary Stourton, eldest daughter of Charles Philip, 17th Lord Stourton. She was born at Witham Place, Co. Essex, June the 30th, 1777, and was baptized at the Catholic Church there the same day. She died, unmarried, at Middlethorpe, Co. York, the 6th of December, 1826. She was buried the 14th of December, 1826, in the Parish Church of Allerton Mauleverer. Her remains were removed from there under a faculty, in 1862, to the vault below the chapel at Allerton Park. The inscription on her coffin-plate reads :

"The Hon.  
Constantia Stourton  
Obit. Dec' 6, 1826  
Ætate 49."

In sending particulars of various other members of the Stourton family who have been nuns in the Convent of the Holy Sepulchre, the Prioress of the convent writes :

"The above are the only members of the family who were religious at Liège. Whether they were at school there or not we cannot ascertain as the school registers now in our possession only date back as far as 1785. A Miss Stourton (Christian name not mentioned) arrived at the convent July 6th 1790 aged 13."

The foregoing doubtless refers to the above Constantia Mary Stourton.

- VIII. The Honourable Mary Stourton, second daughter, a Regular Canoness of the Holy Sepulchre. She was born at Witham Place, the 11th of



*Portrait of Mrs. J. H. [illegible]*  
[illegible]  
[illegible]



February, 1780, and was baptized in the Catholic Church there the same day. She died the 27th of December, and was buried the 30th of December, 1850, at the Convent of the Holy Sepulchre, New Hall, Chelmsford, Co. Essex.

The Prioress of the Convent of the Holy Sepulchre, now at New Hall, Chelmsford, sends the following details :

"The Hon<sup>ble</sup> Miss Mary Stourton born at Witham in Essex, Daughter of the Right Hon<sup>ble</sup> Lord Stourton of Witham & the Hon<sup>ble</sup> Miss Mary Langdale of Holm in Yorkshire took the habit Sept<sup>r</sup> 1801, was clothed Febr<sup>y</sup> 3<sup>rd</sup>, 1803, and professed Oct<sup>r</sup> 10<sup>th</sup> 1804 aged 24. Religious name St<sup>r</sup> Mary Benedict of Divine Providence. She died Dec<sup>r</sup> 27<sup>th</sup> 1850. She has left the reputation of being a very good & holy religious, much given to prayer & very laborious as far as her health would permit. She had an habitual infirmity, that of falling to sleep at any time of the day. The writer of these lines remembers having heard that when at school at Princethorpe she used to be called the 'Sleeping Beauty.'"

- IX. The Honourable Elizabeth Stourton, third daughter. She was born in 1781, and died, unmarried, the 25th of March, 1836, at Hazlewood, and was buried in the cemetery attached to the Catholic chapel there on the 29th of the same month. An inscription (partly illegible) on her tombstone is as follows :

"Orate pro Anima  
Nobi \* Elisabethæ Stourton.  
Obiit Die Annuntiationis ††V  
Anno Domini MDCCCXXXVI  
Ætatis Suxæ LVI  
Cujus Animæ Propitiatur Deus"

- X. The Honourable Charlotte Stourton, fourth daughter. She was born March the 7th, 1782. She was married at Holme, Co. York, November the 22nd, 1802, to Joseph Weld, Esquire, of Lulworth Castle, Co. Dorset, in the Commission of the Peace, a Deputy-Lieutenant, and sometime High Sheriff of Co. Dorset, who, on the death of his brother, Cardinal Weld, without male issue, succeeded to the Lulworth Estates. Catherine Winifred (Weld), wife of William Joseph, 18th Lord Stourton, was the sister of the above-mentioned Cardinal Weld and of Mr. Joseph Weld. Amongst a large number of his friends and acquaintances Mr. Joseph Weld was known as the "Old Commodore," from the achievements of his yachts, which he designed and built himself, and particularly of his yacht *The Alarm*. He was educated at

\* Remainder of this word is illegible.

† Something before the "V," which is now illegible.

Stonyhurst College, which his father, Mr. Thomas Weld,\* had given to the exiled Jesuits from Liège. Mr. Joseph Weld died the 19th of October, 1863; and the Hon. Mrs. Weld died the 16th of January, 1864, being buried at Lulworth, Co. Dorset, and leaving issue by her marriage.

XI. The Honourable Catherine Stourton, fifth daughter. She died at Holme Hall the 15th of May, 1784, aged about 10 months. She was buried in Holme Church the day following. According to the Holme Hall Chapel Registers, she was then described as fifth and youngest daughter, her parents being then resident at Holme Hall, whilst their residence, "Stourton Place" (Stapleton Park), was being fitted up for them.

XII. The Honourable Apollonia Constantia Stourton, sixth daughter. She was born the 4th of January, 1785. She was married by special licence at Allerton Park (the marriage being registered at Allerton Mauleverer) on the 20th of January, 1812, to Thomas Bland Davison Bland, Esquire, of Kippax Park, Co. York, whose father had assumed the surname of Bland on inheriting the estates demised to him by the sisters of Sir Hungerford Bland, 8th Baronet. Of this marriage there was issue. In his memoir† of Sir Edward Vavasour the Rev. P. Gallwey, S.J., says: "His sister had married a Protestant gentleman, Mr. Bland, and naturally had many difficulties in her home arising out of two conflicting religions. One of the children of that mixed marriage wrote half a century later: "My ever loved and admired uncle and godfather was to his beloved sister in her hours of affliction the dearest and wisest and holiest of friends; brother, counsellor, I might almost say director, all combined. My Catholic mother's position in a Protestant home—though it was a wonderfully happy one—was necessarily isolated, and would naturally in those days have wanted many spiritual helps which one might find in our times. It was, I believe, through the efforts of my uncle, Sir Edward, that she was allowed the great consolation of having the Blessed Sacrament in the little oratory which she had in her house." The Honourable Mrs. Bland died the 12th of November, 1868, and was buried in the Catholic cemetery at Sancton. Her husband had predeceased her in the year 1847.

XIII. The Honourable Juliana Stourton, seventh and youngest daughter. She was born in the year 1789, and was married by special licence at Allerton Park (the marriage being registered at Allerton Mauleverer) on the 23rd

\* Rev. P. Gallwey, S.J., in his work "Salvage from the Wreck" gives many interesting details relating to the Weld family.

† Contained in "Salvage from the Wreck."



of July, 1812, to Peter Middleton, Esquire, of Stockeld Park, near Wetherby, and of Myddelton Lodge, Ilkley, both in the county of York. Of this marriage there was issue. The Hon. Mrs. Middleton died the 27th of November, 1861, and was buried at Sicklinghall, near Wetherby aforesaid. Her husband survived her, dying June the 3rd, 1866.

The Rt. Hon. Charles Philip, 17th Lord Stourton, died, as has been already stated, the 29th of April, 1816, and was succeeded by his eldest son, William Joseph, thereafter 18th Lord Stourton.

The Right Honourable William Joseph, eighteenth Baron and Lord Stourton, of Stourton, Co. Wilts., in the Peerage of England, was the eldest son and heir of Charles Philip, 17th Lord Stourton, by his wife, the Honourable Mary (Langdale), second daughter and eventually sole heir of Marmaduke, fifth and last Lord Langdale, of Holme-on-Spalding-Moor, and succeeded his father April the 29th, 1816.

William Joseph, 18th Lord Stourton, was born at Witham Place, June the 6th, 1776, and was baptized at the Catholic church, Witham, Essex, the same day.

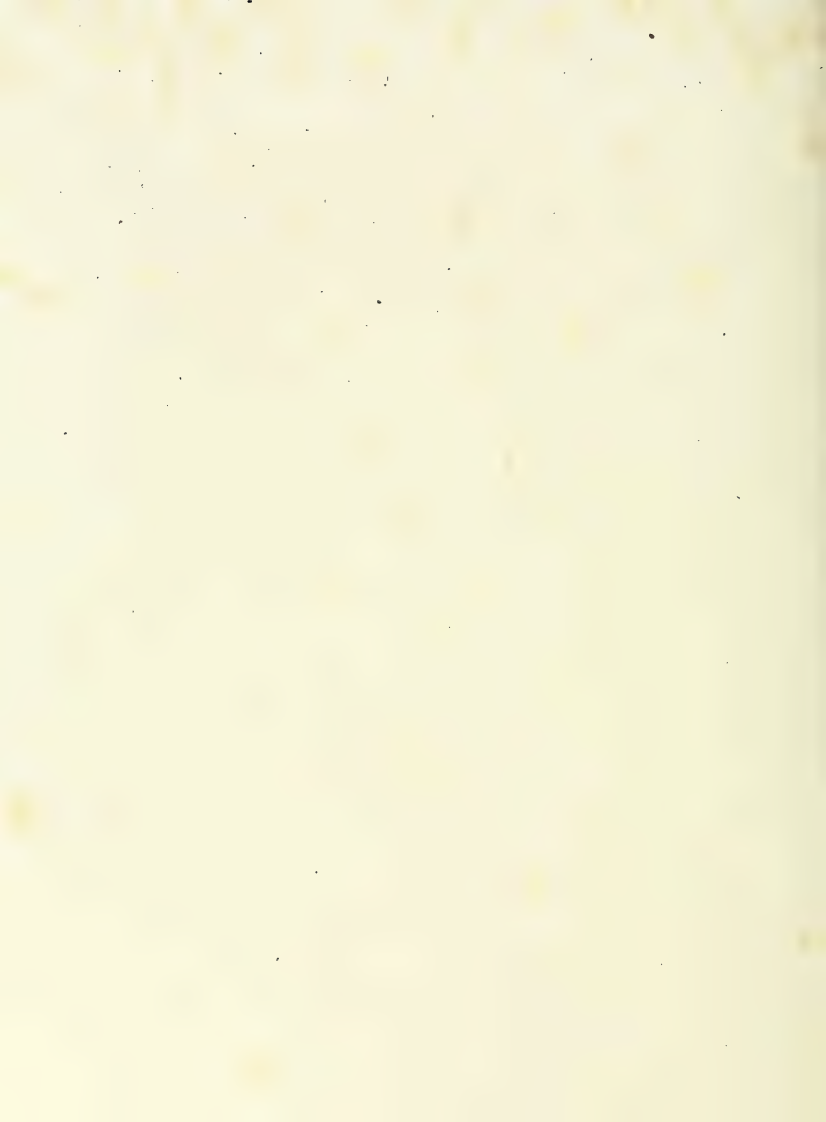
Lord Stourton was educated at the English College, Douai, and at the outbreak there of Revolutionary troubles, he had, in company with Dr. John Lingard, the Catholic historian, a remarkable escape from there on the 21st of February, 1793. The following extracts from a "Memoir of the Rev. Dr. Lingard, by the Rev. M. A. Tierney, F.R.S., F.S.A., Canon of St. George's, Southwark," in Vol. I. of the "History of England" by John Lingard, D.D. (the sixth edition, MDCCCLV.), contain an account of the occurrence :

"The young Lingard saw the danger, and resolved, if possible, to elude it. Many had already sought and found an opportunity to withdraw from the Country. Their example encouraged him to make the attempt; and, on the 21st of February, 1793, he left the College, in company with William, afterwards Lord Stourton, and two brothers named Oliveira. Before the orders were issued which removed the remainder of the community to Escherquin, and thence to the citadel of Dourlens, he had safely effected his retreat into England. . . . It was not unnatural that the talents which he possessed, combined with the attention which he had been able to bestow on the youthful companions of his flight, should have recommended him to the patronage of Lord Stourton, the father of one of them. By that nobleman he was immediately invited to his residence. At the same time, he received the appointment of tutor to the son in whose company he had escaped; and, during the next twelve months, continued to superintend the studies, and direct the pursuits, of his youthful friend. Meanwhile, however, a party of the students, who had contrived to elude the vigilance of the guards at Dourlens, had arrived in England, and had found a temporary refuge in a school kept by the Rev. Arthur Storey, at Tudhoe, a village about six miles from Durham. Lingard had heard of their arrival,



*Portrait of a young woman*

*18th century*







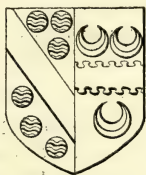
CATHERINE WINIFRED (WELD), WIFE OF WILLIAM JOSEPH, 18TH LORD STOURTON.

BORN 1778 DIED 1862

*From a Drawing by Giles Hussey (of Mansfield), at Ugbrooke.*

and, at the invitation of Bishop Gibson, had agreed to join them. With this view, therefore, he mentioned the circumstance to Lord Stourton, and, having signified his desire to resume his studies, solicited and obtained permission to resign the charge of his pupil. In the course of the summer, 1794, he repaired to Tudhoe, and assumed the direction of the little community which had there been formed."

William Joseph, 18th Lord Stourton, was married on the 1st of October, 1800, at Lulworth Castle, by special licence, to Catherine Winifred, third daughter of Thomas



*The Arms of Stourton impaling those of Weld, namely, "Azure, a fesse nebuly between three crescents ermine."*

Weld, Esquire, of Lulworth Castle, co. Dorset, by Mary his wife, daughter of John Stanley-Massey, Esquire, of Puddington, co. Chester. Catherine Winifred, Lady Stourton, was born at Lulworth Castle on the 18th of December, 1778, and was a direct descendant of Sir John Weld, of Lulworth Castle, by his wife, the Honourable Mary Stourton, eldest daughter of William, 11th Lord Stourton (see page 498). The Marriage Settlement, dated the 24th of September, 1800, has been already (page 580) detailed.

Lord Stourton took a prominent part in public affairs, and published several pamphlets on points in which he took an interest. His earliest publication appears to have been :

1. "Two Letters to the Rt. Hon. The Earl of Liverpool, First Lord of the Treasury, on the Distresses of Agriculture, and their Influence on the Manufactures, Trade and Commerce of the United Kingdom, with Observations on Cash Payments and a Free Trade. By the Rt. Hon. Lord Stourton. Second Edition, with Additions. London, 1821."

It was a pamphlet of 188 pages, originally published as one letter in the summer of 1820. In it Lord Stourton shows that the state of distress is due not only to results, direct and indirect, of the war, but to the burdening of the country with fresh debt to restore the guinea to par. Bad harvests had destroyed agricultural capital. The



improvement in the British coinage had encouraged the foreign agriculturist at the expense of our own. Another reason was to be found in the disastrous results of the non-passing of a Corn Law, in 1814. Lord Stourton proceeded to argue that as all trades, &c., had suffered with agriculture, interest on the debt should likewise be reduced, and taxation thereby lessened. Taxation alone was not the necessary cause of depression in agriculture; taxation without protection was a greater evil. The author was convinced of the extreme impolicy of a free trade according to the notions of Mr. Baring; the only remedy for existing evils was to be found in protection sufficient to stimulate and restore agriculture.

This pamphlet drew forth a reply in the same year, by John Boyes, of Wansford, Yorkshire.

Lord Stourton's next pamphlet was :

2. "A Letter to the Rt. Hon. George Canning, &c., &c. On the Nature of Absenteeism, and its Influence on the State of Ireland, in reply to an Article of the *Edinburgh Review* (Nov., 1825). By the Rt. Hon. Lord Stourton. London, 1827."

The *Edinburgh Review* article had maintained the argument that if the landlords, &c., returned to Ireland, the country would really be no better off. Lord Stourton pointed out, one by one, the fallacies of the argument in the *Edinburgh Review*, and showed that absenteeism, an evil in any country, was particularly ruinous to Ireland, owing to the backward state of public provision for the poor. The pamphlet was 67 pages in length.

Some years elapsed before Lord Stourton again published, but his next and last pamphlet was upon the same subject. He issued it under the title of

3. "Some Remarks on the Social Relations of Great Britain and Ireland at the Present Day. By the Rt. Hon. Lord Stourton. London, 1844."

It was a pamphlet of 24 pages. The first paragraph referred to a previous letter, soliciting attention to the constitutional relations between England and Ireland, as connected with the late trials.

This pamphlet dealt with the social relations so intimately connected with the existing state of the two islands. Lord Stourton pointed out that the interests of England and Ireland were closely bound up together, and that if Ireland were left to poverty and misery, England would be overcome by the wretchedness of the sister isle. The chief remedies he advised were an increase in the stability of land tenure, and efforts to encourage and confide in the Catholic priesthood, and to find employment for the peasantry.





*William Joseph Hall, Esq.*

*Portrait by J. N. P. Hall*

Lord Stourton was a staunch friend to the Catholic poor, and he proved himself a strong adherent of the Catholic religion in the part he took in the effort to obtain the amendment of the unjust laws and persecutions under which those professing the Catholic religion were then suffering. The passing of the Catholic Emancipation Act was the result of the agitation against the existing disabilities, and on the 1st of May, 1829, William, Lord Stourton, took his seat in Parliament, his Lordship "having first, at the table, taken and subscribed the oath appointed to be taken by the Act of the present Session by Peers professing the Roman Catholic Religion."\*

William Joseph, 18th Lord Stourton, was the first of his house to sit in the House of Lords since the exclusion of Catholics from Parliament, the 12th, 13th, 14th, 15th, 16th and 17th Lords Stourton having suffered under the disabilities consequent upon their religious belief.

By Lease and Release of the 6th and 7th of February, 1824, the latter made between William, Lord Stourton, of Stourton, Co. Wilts, of the first part; Charles, Lord Clifford, of Chudleigh, Co. Devon, and William Shelden, of Gray's Inn, Esquire, of the second part; Francis Witham, of Gray's Inn, gentleman, of the third part; and Thomas Davison Bland, of Kippax Park, Co. York, Esquire, of the fourth part; also by Lease and Release of 23rd and 24th April, 1824, the latter made between Mary, Dowager Lady Stourton, widow of Charles Philip, Lord Stourton, of Stourton, Co. Wilts., of the first part; William, Lord Stourton, of Stourton, Co. Wilts., their eldest son and heir, of the second part; Charles Stourton, his son and heir-apparent, of the third part; Luff Stocker, of New Boswell Court, Middlesex, gentleman, of the fourth part; and Thomas Davison Bland, of Kippax Park aforesaid, of the fifth part, all by the descriptions in the two releases therein respectively contained; also a common recovery suffered in Easter term, 1824, in pursuance of the agreement in the last mentioned release, in which recovery Charles Stourton was vouched, and vouched over the common vouchee, certain Manors, &c., therein specified to be limited, subject to the life estate of Mary, then Dowager Lady Stourton, therein, to such estates, persons, and purposes, as the said William, Lord Stourton, and Charles Stourton, should during their joint lives in writing appoint; also by deeds of 28th and 29th July, 1825, the release made between William, Lord Stourton, Baron of Stourton, Co. Wilts., called eldest son and heir of Charles Philip, Lord Stourton, then deceased, by Mary, Dowager Lady Stourton, late his wife and then his widow, of the first part; Charles Stourton, eldest son and heir-apparent of William, Lord Stourton, by Catherine, Lady Stourton, his wife, of the second part; Charles, Lord

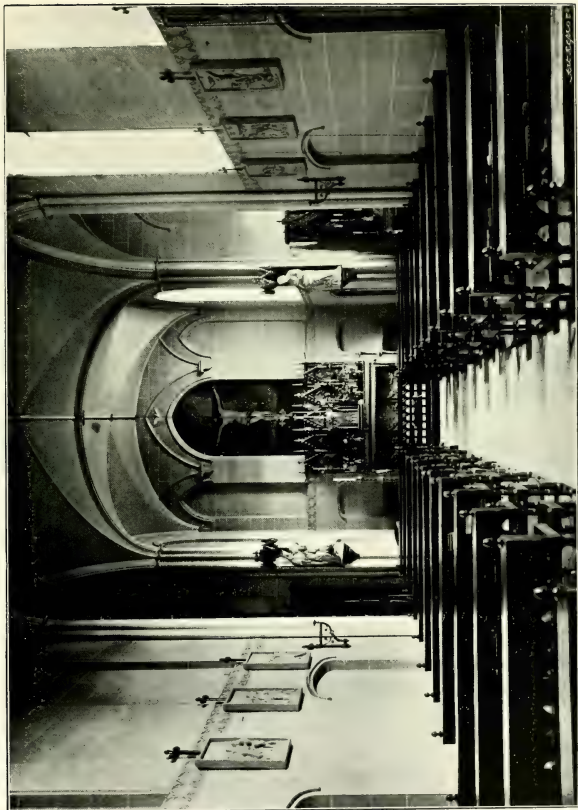
\* Extracted from the Journals of the Upper House of Parliament, as adduced in evidence on the hearing of Lord Stourton's petition in regard to the Mowbray and Segrave baronies.

Clifford, Baron Clifford of Chudleigh, Co. Devon, and Lucy Clifford, spinster, one of his daughters, of the third part; Hugh Charles Clifford, of Irnham, Co. Lincoln, and Peter Middleton, of Stockeld Park, Co. York, Esquires, of the fourth part; Charles Thomas Clifford, second son of Charles, Lord Clifford, and Henry Arundell, of Mount Street, Grosvenor Square, Co. Middlesex, Esquire, of the fifth part; Joseph Weld, of Pylewell, Co. Hants., Esquire, and Thomas Davison Bland, of Kippax Park, Co. York, Esquire, of the sixth part; James Weld, of Britwell House, Co. Oxford, Esquire, and William Constable Maxwell, of Everingham, Co. York, Esquire, of the 7th part; and Humphrey Weld, of Chideock, Co. Dorset, Esquire, and William Vaughan, of Court Field, Co. Monmouth, Esquire, of the eighth part; after reciting all the deeds from the 23rd and 24th September, 1800, to the deeds next previous to the date of these Presents, it was by the latter witnessed that in consideration of a marriage then agreed upon, and then intended to be shortly had and solemnized between the said Charles Stourton and Lucy Clifford, with the consent of their respective fathers, William, Lord Stourton, and Charles, Lord Clifford, whereby William, Lord Stourton, and Charles Stourton, agreed to appoint, &c., all the Manors and Hereditaments therein mentioned, with their appurtenances, as by the deed expressed, the fortune of Lucy Clifford being duly paid to William, Lord Stourton, for his own use and benefit, by Charles, Lord Clifford.

As has been already stated, the chapel at Allerton Park was enlarged by Lord Stourton in 1837, the vaults and transepts being made at that time.

At the death (April the 12th, 1841) of his mother, Mary (*née* Langdale), then Dowager Lady Stourton, William Joseph, 18th Lord Stourton, inherited the whole of the quarterings of the Langdale family. In the scheme of the 304 quarterings in the 1879 pedigree, those attributed to the descent from the Langdale family—numbers 190-303—are as follows:

190. Langdale; 191. Etton; 192. Draycott; 193. Draycott (ancient); 194. Fitz Herbert; 195. Somershall; 196. Marshall of Leicester; 197. —(?) (gules, a chevron engrailed between three boar's heads erased close or); 198. Hosier; 199. Widdrington; 200. Swinburne; 201. Claxton; (202) —? (arg. a pile engrailed sable); 203. Tyn-dale; 204. Meuville; 205. Carnaby; 206. Halton; 207. Curwen; 208. Lancaster; 209. Carus; 210. Thorold; 211. Hough; 212. Marston; 213. Brerhough; 214. Bertie; 215. Willoughby D'Eresby; 216. Orreby; 217. Bec; 218. Rosceline; 219. Ufford, Earls of Suffolk; 220. Valognes; 221. Arundel; 222. Wells; 223. Engayne; 224. Waterton; 225. Jeffereys; 226. Milward; 227. Harvey; 228. Apsley; 229. Power; 230. Sydney; 231. Fairfax; 232. Bugthorpe; 233. Serevaux; 234. Scott; 235. Brus; 236. Etton; 237. Malbys; 238. Carthorpe; 239. Ergham;



THE INTERIOR OF THE CHAPEL, ALLERTON PARK, YORKSHIRE  
*From a Photograph, 1905.*





240. Stapleton; 241. Bella Aqua (or Bellew); 242. Brus of Skelton; 243. Lancaster; 244. Fitz Alan of Bedale; 245. St. Philibert; 246. Aldeburgh of Harewood; 247. Fitz Gerald; 248. De Courci; 249. Romelli of Skipton; 250. Goddard; 251. Sutton of Holderness; 252. Rempstone; 253. Bekering; 254. Markham; 255. Lexington; 256. Lowdham; 257. Walton; 258. Lovel of Tichmarsh; 259. Burnell; 260. Holland; 261. Zouche of Ashby; 262. Longespee; 263. Deyncourt; 264. Grey of Rotherfield; 265. Duston; 266. Noel; 267. Strange (ancient); 268. Odingsells; 269. Limesi; 270. Fitz Alan of Bedale; 271. De la Planche; 272. Haversham; 273. Beaumont; 274. Brienne; 275. Beaumont of Folkingham; 276. Comyn, Earl of Buchan; 277. Quincy; 278. Quincy, Earls of Winchester; 279. Leicester, ancient Earls of; 280. Phelip; 281. Ersingham; 282. Bardolf; 283. Warrenne; 284. Gournay; 285. Gournay (ancient); 286. Aguillon; 287. Marischall; 288. Clare, Earl of Pembroke; 289. D'Amorie; 290. Cromwell; 291. Someri; 292. Bellers; 293. Bernack; 294. Driby; 295. Tatershall; 296. Pantulf; 297. Albini, Earl of Arundel; 298. Chester, Earl of; 299. Mercia, Saxon Earls of; 300. FitzRandolf; 301. Marmion of Winteringham; 302. Gernegan; 303. Dover; (and 304. Stourton).

The following is a facsimile of the signature of William Joseph, 18th Lord Stourton, reproduced from a letter dated January the 24th, 1842:

The following facsimile of the signature of Catherine, Lady Stourton, is also reproduced from a letter:

Lord Stourton died at his seat, Allerton Park, Co. York, the 4th of December, 1846, from gradual exhaustion, (the death being registered the 11th of December following, on the information of William Hampson, who had been present). Lord

Stourton was buried in the vault under the chapel at Allerton Park. The inscription upon his coffin-plate is as follows :

" William Lord Stourton  
17<sup>th</sup>\* Baron,  
Died The 4<sup>th</sup> Day of December  
1846  
Aged 70 Years  
R. I. P."

After the death of her husband, Catherine Winifred, Lady Stourton, went to reside at Linton Spring, near Wetherby, Co. York. She died at York the 27<sup>th</sup> of December, 1862, and was buried in the vault below the chapel at Allerton Park. The inscription upon her coffin-plate is as follows :

" Catherine Winifred  
Lady Stourton  
Wife of William  
17<sup>th</sup>\* Baron Stourton  
Who Departed This Life  
On The 27<sup>th</sup> of December 1862  
Aged 84 Years  
R. I. P."

The following is a copy of the Will of William Joseph, 18<sup>th</sup> Lord Stourton :

Extracted from the Principal Registry of the Probate, Divorce and Admiralty Division of the High Court of Justice, in the Prerogative Court of Canterbury.

Extracted from the Registry of the Prerogative Court of York.

"I the Right Honorable William Lord Stourton of Allerton Park in the County of York and Baron Stourton of Stourton in the County of Wilts hereby revoke all Wills Codicils and other Testamentary dispositions by me made at any time or times heretofore and declare this to be my last Will and Testament I request that my funeral may be conducted in as private a manner as shall be consistent with propriety and I bequeath unto the Right Honorable Catherine Lady Stourton my wife such of my plate linen glass china as she may think proper to take not exceeding in the whole the value of five hundred pounds according to the estimation of some competent indifferent person to be chosen by herself to value the same and I also bequeath unto the said Catherine Lady Stourton any one of my carriages which she may select and all the jewels watches with their appendages brooches rings trinkets and other things usually worn by her as ornaments of her person and all her paraphernalia and I bequeath unto my niece The Honorable Lucy Stourton the wife of The Honorable Charles Stourton my eldest son all such of my trinkets books pictures and prints which belonged to her Aunt in Law the late Dowager Lady Clifford as she shall select

\* As has recently been discovered, he was in reality the 18<sup>th</sup> Lord Stourton.

for her separate use and disposal exclusively and independently of the said Charles Stourton and whereas I some time ago gave to my brother The Honorable Philip Stourton for his absolute benefit all the household furniture in his Mansion House at Holme in the said County of York and also all the articles in the Chapel there to which I was entitled in possession or in reversion expectant on his decease Now I confirm that gift in all respects and I bequeath all the portraits in the same Mansion House unto the said Philip Stourton if and when any son of his shall attain the age of twenty one years and I bequeath the use of all the articles in the Chapels at Allerton Park aforesaid and Bonham in the said County of Wilts respectively unto the said Charles Stourton during his life and after his decease I direct that the same articles shall go and be held and enjoyed by the person or persons who for the time being shall be entitled to the actual possession or to the receipt of the rents and profits of my entailed estates at Allerton as a trustee or trustees for the same Chapels respectively it being my intention that the same articles shall from time to time and at all times be respectively used by the resident Catholic Clergyman of the same Chapels respectively in the celebration therein respectively of the Catholic rites and ceremonies but with power for the said trustee or trustees to exchange the same articles or any of them for such other articles of a similar nature and as nearly as possible an equal value as he or they shall in his or their discretion think fit and I bequeath all my wearing apparel and body linen unto my servant James Edwards if he shall be in my service and in attendance upon my person at the time of my decease but if he shall not be in my service and in attendance upon my person at the time of my decease then I bequeath the same unto such other servant of mine as shall then be in attendance upon my person unless he the said James Edwards shall be prevented from being then in such attendance by sickness or other unforeseen and unavoidable cause in which latter case I still bequeath the same apparel and linen unto him if he shall be in my service at the time of my decease and I bequeath unto the said Philip Stourton the sum of one hundred pounds of lawful money current in the United Kingdom to be divided by him amongst such poor persons in the Townships of Allerton and Holme aforesaid in the neighbourhood thereof respectively as he shall think fit and also a further sum of one hundred pounds of such lawful money as aforesaid to be disposed of by him in such manner as I shall by any writing under my hand direct and I bequeath unto such Catholic Clergyman as the said Philip Stourton shall name the like sum of one hundred pounds of such lawful money as aforesaid to be distributed by such Clergyman amongst such poor persons in the Metropolis as he shall think fit and I declare that all the aforesaid

legacies shall be free of legacy duty and I direct that the aforesaid pecuniary legacies shall be respectively paid immediately after my decease and I bequeath unto each of my household servants (except the same James Edwards) who at the time of my decease shall have been in my service for more than one year one quarters wages over and above the amount of wages which at the time of my decease shall be due to them respectively and I bequeath unto each of my daughters The Honorable Catherine Stourton The Honorable Anna Maria Stourton The Honorable Eliza Stourton and The Honorable Charlotte Stourton the sum of one hundred pounds of such lawful money as aforesaid to be paid to her free of legacy duty Provided always and I declare that if my said daughters or any or either of them shall at the time of or upon my decease be or become entitled to any goods chattels money securities for money or other personal estate whatsoever under or by virtue of the settlement made on my marriage with the said Catherine Lady Stourton by a certain Indenture bearing date the twenty fourth day of September one thousand eight hundred and the Settlement made by The Right Honorable Mary Dowager Lady Stourton and the Honorable Elizabeth Butler Widow upon my daughters and younger sons by a certain Indenture bearing date the second day of December one thousand eight hundred and sixteen and the last Will and Testament of the said Dowager Lady Clifford or any or either of them then and in such case none of my said daughters so being or becoming entitled shall have or be entitled to the legacy or legacies expressed and intended to be hereinbefore bequeathed unto her or them respectively without assigning the property to which she or they respectively shall so be or become entitled as aforesaid unto or otherwise vesting the same in the said Charles Stourton as part of my residuary personal estate within twelve calendar months next after my decease And I bequeath unto my daughter The Right Honorable Teresa Lady Arundell the wife of The Right Honorable Henry Benedict Lord Arundell of Wardour Castle in the said County of Wilts the like sum of one hundred pounds of such lawful money as aforesaid to be paid to her free of legacy duty and I bequeath unto the said Catherine Lady Stourton and her assigns for and during her life one annuity or clear yearly sum of three hundred pounds of such lawful money as aforesaid free of legacy duty and to be paid to her and them by equal half yearly payments without any deduction or abatement whatsoever on account or in respect of any present or future parliamentary or other taxes charges or impositions whatsoever and the first half yearly payment thereof to be made at the expiration of six calendar months next after my decease And if the said James Edwards shall be in my service at the time of my decease I bequeath unto him and his assigns for and

during his life one annuity or clear yearly sum of forty pounds of such lawful money aforesaid free of legacy duty and to be paid to him and them by equal half yearly payments without any deduction or abatement whatsoever on account or in respect of any present or future or parliamentary or other taxes charges or impositions whatsoever and the first half yearly payment thereof to be made at the expiration of six calendar months next after my decease and I confirm unto each of them the said Catherine Stourton Anna Maria Stourton and Charlotte Stourton and her assigns the annuity or yearly sum of forty pounds the payment of which I have hereinbefore by my bond or otherwise secured to her and them for and during her life and I bequeath the sum of four thousand pounds of such lawful money as aforesaid unto my son The Honorable Marmaduke Stourton if he shall attain the age of thirty five years or marry without having entered into Holy orders in any Church or religion Provided always and I declare that if the said Marmaduke Stourton shall at the time of or upon my decease be or become entitled to any goods chattels money securities for money or other personal estate whatsoever under or by virtue of the said Settlements and Will hereinbefore respectively referred to or any or either of them then and in such case he the said Marmaduke Stourton although he may attain the age of thirty five years or marry without having entered into Holy orders in any Church or religion shall not have or be entitled to the said sum of four thousand pounds or any part thereof without assigning the property to which he shall so be or become entitled as aforesaid unto or otherwise vesting the same in the said Charles Stourton as part of my residuary personal estate within twelve calendar months next after my decease and I bequeath the sum of eight thousand pounds of such lawful money as aforesaid unto my brother The Honorable Charles Langdale the said Philip Stourton and my son The Honorable William Stourton upon trust that they and the survivor of them and the executors and administrators of such survivor and their or his assigns do and shall lay out or invest the same in their or his names or name in the purchase of a competent share or competent shares of any of the Parliamentary stocks or public funds of Great Britain or at interest upon Government or real securities in England but not in Ireland (such funds and securities to be from time to time altered varied or transposed into or for other stocks funds or securities of the like nature at their or his discretion) and do and shall during the life of my daughter The Honorable Appollonia Stourton pay and apply the interest dividends and annual produce of the said sum of eight thousand pounds and the stocks funds or securities in or upon which the same shall be laid out or invested to such person or persons or for such purposes as the said Appollonia Stourton shall from time to time notwithstanding any coverture by any writing



or writings under her hand direct or appoint and in default of such direction or appointment into her own hands for her sole and separate use and benefit independently and exclusively of any husband with whom she may intermarry and without being in anywise subject to his debts control interference and engagements and the receipts of the said Appollonia Stourton or of her appointee or appointees although she may be married to be from time to time sufficient discharges for the same but so nevertheless that the said Appollonia Stourton shall not nor may by any such direction or appointment as aforesaid or any other means dispose of or affect the same or any part thereof in anywise in the way of anticipation and do and shall from and after the decease of the said Appollonia Stourton stand and be possessed of and interested in the same trust monies stocks funds and securities and the interest dividends and annual produce thereof In trust for all and every the child and children of the said Appollonia Stourton to be divided between or among such children if more than one in equal shares and if there shall be but one child the whole to be In trust for that one child but if there shall be no such child then In trust for the said William Stourton Provided always and I declare that if the said Appollonia Stourton shall at the time of or upon my decease be or become entitled to any goods chattels money securities for money or other personal estate whatsoever under or by virtue of the said Settlements and Will hereinbefore respectively referred to or any or either of them then and in such case she the said Appollonia Stourton shall not have or be entitled to the provision hereinbefore made for her without assigning the property to which she shall so be or become entitled as aforesaid unto or otherwise vesting the same in the said Charles Stourton as part of my residuary personal estate within twelve calendar months next after my decease And I bequeath unto the said Charles Stourton all the rest and residue of my goods chattels monies and securities for money and other personal estate and effects whatsoever and wheresoever of or to which I or any person or persons in trust for me shall be possessed or entitled at the time of my decease or which I have power to dispose of or appoint by this my Will and which I have not hereinbefore otherwise disposed of which shall remain after payment and satisfaction of my funeral and testamentary expences debts and legacies respectively And I devise unto the said Charles Stourton all my messuages farms lands tenements hereditaments and real estate whatsoever and wheresoever of or to which I or any person or persons in trust for me shall be seized or entitled at the time of my decease for any estate of freehold or inheritance or of freehold only in possession reversion remainder or expectancy or which I have power to dispose of or appoint by this my Will with their and every of their rights members and appurtenances and all

my estate right and interest of in and to the same respectively and I appoint the said Charles Stourton sole Executor of this my Will Provided always and I declare that the receipt or receipts in writing of any trustees or trustee for the time being acting in the execution of any of the several trusts hereinbefore respectively declared for any sum or sums of money payable to them or him in or about the execution of any of the same trusts or otherwise under or by virtue of this my Will shall be a sufficient and effectual discharge or sufficient and effectual discharges for the same respectively or so much thereof respectively as by or in such receipt or receipts respectively shall be acknowledged or expressed to be received and that the person or persons to whom the same shall be given his her or their heirs executors administrators or assigns shall not afterwards be answerable or accountable for any loss misapplication or nonapplication or be in anywise obliged or concerned to see to the application of the monies thereby or therein acknowledged or supposed to be received Provided always and I declare that if the said trustees in and by this my Will nominated and appointed any of them or any trustee or trustees to be appointed as hereinafter mentioned shall die either in my lifetime or after my decease or be absent from the United Kingdom for more than six calendar months at any one time or renounce or desire to be discharged from or decline or become incapable to act in the trusts hereby in them respectively reposed as aforesaid then and in such case and so often as the same shall happen it shall be lawful for the surviving or continuing trustees or trustee for the time being of the trust monies or premises the trustee or trustees whereof shall so die or be absent or renounce or desire to be discharged or decline or become incapable to act as aforesaid or if there shall be no such trustee then for the renouncing or retiring trustee or trustees or either of them if more than one or the executors or administrators of the last deceased trustee for the time being of the same trust monies or premises by any deed or deeds to be by them or him duly executed to appoint one or more person or persons to be a trustee or trustees in the room of the trustee or trustees so dying or being absent or renouncing or desiring to be discharged or declining or becoming incapable to act as aforesaid and that upon every such appointment the trust monies and premises which shall be vested in the trustee or trustees so being absent or desiring to be discharged or declining or becoming incapable to act as aforesaid either solely or jointly with any other trustee or trustees of the same trust monies and premises or in the surviving trustee or trustees of the same or the executors or administrators of the last deceased trustee of the same as the case may be shall be assigned and transferred so and in such manner that the same may become vested in the new trustee or trustees jointly with the sur-



viving or continuing trustee or trustees thereof or solely as occasion shall require upon the trusts hereinbefore declared of or concerning the same or such of them as shall be then subsisting or capable of taking effect and every such new trustee shall have such and the same powers and authorities and discretion to all intents and purposes whatsoever as if he had been originally in and by this my Will named and appointed a trustee for the purposes for which he shall be so appointed a trustee Provided also and I declare that the said several trustees in and by this my last Will nominated and appointed or to be appointed by virtue of the provision last hereinbefore contained and each and every of them shall be charged and chargeable respectively only for such monies as they shall respectively actually receive under or by virtue of this my Will or the trusts hereby in them reposed notwithstanding his or their giving or signing or joining in giving or signing any receipt or receipts for the sake of conformity and that any one or more of them shall not be answerable or accountable for the others or other of them and that they or any of them shall not be answerable or accountable for any Banker Broker or other person with whom or in whose hands any part of the said trust monies shall or may be deposited or lodged for safe custody or otherwise in the execution of the trusts hereinbefore declared or for the insufficiency or deficiency of any security or securities stocks or funds upon or in which the said last monies or any part thereof shall be invested or laid out or for any other involuntary loss or damage that may happen in the execution of the trusts hereinbefore declared or in relation thereto and also that it shall be lawful for them the said trustees in and by this my Will nominated and appointed and such trustee or trustees to be appointed as aforesaid and every of them their and every of their respective hands under or by virtue of this my Will or the trusts hereby in them reposed to retain to and reimburse himself and themselves respectively and also to allow to his and their co-trustee and co-trustees all costs charges damages and expences which they or any of them shall or may sustain or be put to in or about the execution of the trusts hereby reposed in them or in relation thereto In Witness whereof my name has been set at the foot hereof by Richard Baillie of Tadcaster in the County of York Gentleman my Solicitor in my presence and by my direction this fourteenth day of August in the year of our Lord one thousand eight hundred and forty six—STOURTON The signature above was made by the said Richard Baillie in the presence of and by the direction of the said Testator and was so made as aforesaid and was acknowledged by the said Testator in the presence of us present at the same time who have attested and have subscribed the above-written Will and Testament at the request and in the

presence of the said Testator and in the presence of each other as witness our hands — PHILIP VAVASOUR of Hazlewood — GEORGE FREEMAN of Kirk Hammerton

The Will of the Honorable William Lord Stourton Baron Stourton in the County of Wilts late of Allerton Park in the County of York deceased was proved at York the sixth day of February in the year of our Lord one thousand eight hundred and forty seven before the Reverend Joseph Salvin Clerk Surrogate of the Right Worshipful Granville Harcourt Vernon Master of Arts Commissary and Keeper General of the Exchequer and Prerogative Court of York lawfully constituted by the Oath of The Right Honorable Charles Lord Stourton (heretofore the Honorable Charles Stourton) the son and sole executor in the said Will named to whom admon was granted of and singular the goods chattels and credits of the said deceased he having been first sworn duly to admr

(Signed) JOSEPH BUCKLE, Deputy Registrar

Proved at London,  
30th April, 1847  
Fos 41 H. J. T. 365 "

William Joseph, 18th Lord Stourton, by Catherine Winifred (Weld), his wife, daughter of Thomas Weld, Esquire, of Lulworth Castle, Co. Dorset, had issue as follows :

- I. The Right Honourable Charles, 19th Lord Stourton, of whom hereafter.
- II. The Honourable Edward Stourton, second son, born and baptized at Holme Hall, Co. York, the 26th of October, 1807. He died, unmarried, the 27th of October, 1828, at Toulouse, France.
- III. The Honourable William Stourton, of Folkestone, Co. Kent, third son. He was born and baptized at Holme Hall the 13th of July, 1810. He was married at St. James's Catholic Church, Spanish Place, St. Mary-lebone, London, on the 16th of October, 1838, to Catherine Alicia, daughter of Edmond Scully, Esquire, of Bloomfield House, Co. Tipperary. He died the 21st of November, 1873, and was buried on the 26th of the same month in the cemetery at Folkestone. The inscription upon his tomb is as follows :

"Hon<sup>ble</sup> William Stourton,  
died Nov' 21 1873."

His widow, the Honourable Mrs. William Stourton, is now (1898)

resident at 78, Mount Ararat Road, Richmond Hill, Surrey. Of this marriage there was issue :

- i. Marmaduke Joseph Stourton, Esquire, Captain in the 63rd Regiment. He was born in Dorset Square, London, on the 14th of January, 1840, and baptized in London. He was married in Paris on the 7th of January, 1870, to Mary, youngest daughter of William Franks. He served with the 24th Regiment in the Zulu War, dying on service at Pietermaritzburg the 18th of April, 1879. The following brief account of his military career and death is taken from "The South African Campaign," 1879, compiled by J. P. Mackinnon (late 25th King's Borderers, formerly 72nd Highlanders) and Sydney Shadbolt (of the Inner Temple, Barrister-at-Law), and dedicated to H.R.H. Duke of Cambridge :

"MARMADUKE STOURTON, CAPTAIN, 63RD REGIMENT  
(WEST SUFFOLK).

*Captain Marmaduke Stourton*, who died at Pietermaritzburg on the 18th of April, 1879, was the eldest son of the late Hon. William Stourton, of Yorkshire, by his marriage with Catherine, daughter of Edmund Scully, Esq., of Bloomfield, Co. Tipperary. He was born on the 14th of January, 1840, and was educated at Downside College, near Bath; at Namur, in Belgium; and at Stonyhurst College, Lancashire. Entering the army in May, 1861, he was gazetted to an ensigncy in the 8th Foot, and served with that regiment at Malta, at Gibraltar, in India, and at the depôt in England. He became Lieutenant in 1864, and obtained his company in 1870, in which year he exchanged into the 63rd Regiment. He shortly afterwards embarked with that corps for India, and served there at various stations for several years. On the news of the disaster at Isandhlwana reaching England in February 1879, Captain Stourton, who was at the depôt of his regiment at Ashton-under-Lyne, immediately volunteered for South Africa.

He was selected as a special service officer to take up duty with the 24th Regiment, and was sent out, on the 1st of March, in the transport '*Clyde*.' The vessel was

wrecked in St. Simon's Bay, but owing to the admirable discipline which prevailed, no lives were lost, and all the troops were safely landed on the coast.

Arriving shortly afterwards at Durban, Captain Stourton proceeded in charge of drafts of the 24th Regiment to Pietermaritzburg. During the morning of the 18th of April he marched a distance of twelve miles, and was the cheeriest of the party—singing, bugling, and keeping up the spirits of the men in every possible way; but the afternoon's advance commenced with an exceedingly steep ascent, on surmounting which he gasped for breath. Turning to an officer of the Artillery, he said: 'I feel my life-blood ebbing away. I am nearly done.' Instead of falling out, he continued with the column in its march up another trying hill to the camp. When the bugle sounded 'Halt,' he had just sufficient strength left to give his word of command, and then fell fainting to the ground. Within an hour afterwards, in spite of every exertion made by his comrades, his prophecy had been fulfilled, and his gallant spirit had passed away. Though Captain Stourton's death did not take place in the battlefield, he none the less rendered up his life in the service of his country. In spite of physical weakness, he struggled on, a brave example to his men; and when his work was accomplished, he simply lay down and died. His remains were buried with military honours, in the camp cemetery at Pietermaritzburg. The officers and men of the draft with which he had served erected a stone over the grave, and a tablet is about to be placed to his memory in St. Mary's Catholic Church, Ryde,\* Isle of Wight, by the officers of the 63rd Regiment.

Captain Stourton married, in 1870, Marie, daughter of William Franks, Esq."

Mary, wife of Captain Marmaduke Stourton, had died in India on the 12th of December, 1876, having had issue an only child,

William Joseph Stourton, Esquire, born the 7th and died the 14th of August, 1875, in India, where he was buried.

\* The proposed monument was never actually erected in that church.

- ii. Arthur Joseph Stourton, Esquire, sometime of Kelvin Grove, in the Colony of Tasmania, second son. He was born at Holgate House, near York, the 21st of February, 1841, and baptized in York. He entered the army in 1861, and was gazetted to an ensigncy in the 78th Highlanders (Ross-shire Buffs), in which regiment he served for a period of seven years as Ensign and Lieutenant, when he retired from the army by the sale of his commission. Shortly afterwards he joined the Pontifical Zouaves in Rome, and remained in them until His Holiness Pius IX. lost his temporal power and the corps was disbanded. He has received the Pontifical military medal and a diploma from the Pope. In 1874 he went out to reside in Australia, where he married in the following year. In 1880, when on a visit to South Africa, the war in Basutoland broke out, and he at once offered his services to the Cape Government. He was gazetted senior Captain and "second in command" of "Landrey's Light Horse," a mounted Colonial Corps of over 400 men. With it he served all through the war, and commanded the regiment in the engagement at "Bolica Range," near Mafeteng, on the 20th of March, 1881, in which engagement Major-General Sir Frederick Carrington, K.C.M.G., who was in command of the whole of the forces engaged, was very seriously wounded. Arthur Stourton himself was slightly wounded, and was mentioned in despatches. In 1885 he served in the Australian Contingent in the Soudan, and was present at the taking of the Wells and at the destruction of Tamai. He was also one of the fifty Australians who volunteered for special service in the Imperial Camel Corps, with which he was present at the engagement of Takdoul. For his services he received the Egyptian war medal with clasp, and the Khedive's Star, as well as a special medal presented to him on his return to Australia by the citizens of Sydney. He was married on the 6th of October, 1875, to Adaline Constance, only daughter of the late Hon. Donald Cameron, M.L.C., of Fordan and of Lowestoft, Tasmania, and has had issue :

1. Frederick Stourton, Esquire, elder son, born at Kelvin Grove the 31st of October, 1876, and died there 1877.

2. Reginald Norman Joseph Stourton, Esquire.  
Second Lieutenant in the Hobart Rifles  
(Militia), Tasmania, second son. Born  
at Lowestoft, near Hobart, Tasmania, the  
5th of October, 1877. He was baptized  
there the day following.
  - iii. William Joseph Stourton, third son. He was born at Holgate  
House near York, the 21st of March, 1842, and baptized at  
York.
  - iv. The Reverend Joseph John Stourton, fourth son, a Secular Priest  
in Holy Orders of the Catholic Church, now of Oldcotes, near  
Rotherham, Nottinghamshire. He was born the 23rd of  
March, 1845, at Holgate House, near York, and baptized at  
York.
  - v. Alice Mary Stourton, eldest daughter, born in the year 1843.
  - vi. Mary Stourton, second daughter. She was born the 28th of  
April, 1852, at Bath, and there baptized. She was married at  
the Pro-Cathedral, London, the 27th of July, 1887, to James  
Graham, of Richmond, Co. Surrey.
  - vii. Winifrede Mary Catherine Stourton, third and youngest  
daughter, born at Elvington House, Ryde, the 24th of March,  
1862, and baptized at Ryde. She died at Littlehampton, Co.  
Sussex, August the 17th, 1898, and was buried at Richmond,  
Co. Surrey, on the 20th of the same month.
- IV. The Honourable John Joseph Stourton, fourth son. He was born at Holme  
Hall, the 22nd of March, 1816, and baptized there the following day,  
and for some time held a commission in the 96th Regiment of Foot. He  
was married in London on the 4th of May, 1846, to Caroline Emma, daughter  
of Patrick MacNolty, Esquire, and of this marriage there was issue :

John Marmaduke Joseph Stourton, Esquire, only child, born (posthu-  
mous) the 31st of May, 1847. He was baptized at the  
Church of St. Roch, Rue St. Honoré, Paris, the day follow-  
ing. He is the author of a clever pamphlet, "Postage Stamp  
Forgeries, or the Collector's Vade Mecum."

The Hon. J. J. Stourton died at 7, Rue de la Rochefoucauld, Paris, the  
23rd of May, 1847, and was buried at Montmartre Cemetery in that  
city. The following is a copy of the inscription to his memory :

"To  
 The Memory  
 of  
 John 4th Son  
 Of the Rt. H<sup>ble</sup>  
 William Lord Stourton  
 Who died at Paris  
 On the 23rd of May 1847  
 at the age of 32  
 R. I. P."

After his death his widow conformed to the Established State Religion, and her posthumous son was brought up in the Protestant faith until he attained the age of nine years. Efforts were made to alter this, but in the case *Stourton v. Stourton*, the Court held that it was then too late to direct that the son must be educated in his father's faith. He, however, eventually became a Catholic in 1876. The Hon. Mrs. John Stourton was married secondly at St. James's Church, Paddington, on the 5th of July, 1857, to William Lonergan, from whom (on her own petition) she was divorced in 1866. She died in Paris on the 11th of May, 1898, of cerebral hæmorrhage, aged 76 years.

- V. The Honourable Marmaduke Stourton, scholastic, fifth and youngest son. He was born the 14th of August, 1818, and died, unmarried, of consumption, at Hartlepool, Yorkshire, the 14th of September, 1848, and was buried at Stockton-on-Tees, aged 29 years. He made his humanities at Stonyhurst College, and entered the Society of Jesus at Hodder on July the 17th, 1847. He made his higher studies partly at the Seminary, Stonyhurst, and partly at Namur, and on the 11th of September, 1845, was sent to Rome, returning to England the following year.
- VI. The Honourable Mary Stourton, eldest daughter, born and baptized at Holme Hall the 16th of August, 1801, and died unmarried the 6th of June, 1883, being buried in the vault below the chapel at Allerton Park on the 12th of June, 1883. The inscription on her coffin-plate is as follows :

"Hon<sup>ble</sup> Mary Stourton  
 Died  
 June 6<sup>th</sup> 1883  
 Aged 81 years  
 R. I. P."

- VII. The Honourable Catherine Stourton, second daughter. She was born and baptized at Holme Hall the 27th of August, 1803, and was a Benedictine nun. She died the 22nd of January, 1847, and was buried at Princethorpe Priory, Co. Warwick.
- VIII. The Honourable Elizabeth Mary Stourton, third daughter. She was born and baptized at Holme Hall the 30th of August, 1806, and was a



Benedictine nun. She died the 26th of March, 1886, and was buried with her sister at Princethorpe Priory.

- IX. The Honourable Anna Maria Stourton, fourth daughter. She was born and baptized at Holme Hall the 28th of May, 1809, and was a nun of the Order of the Holy Sepulchre. She died the 8th of November, and was buried the 23rd of November, 1877, at the Convent of the Holy Sepulchre, New Hall, Chelmsford, Co. Essex. The Prioress of the Convent writes as follows: "Miss Anna Maria Stourton Daughter of William Lord Stourton of Allerton Yorkshire and of M<sup>rs</sup> Catherine Weld of Lulworth Dorset took the habit May 26<sup>th</sup> 1828, was clothed July 16<sup>th</sup> 1829 & professed August 5<sup>th</sup> 1830 aged 21. Mother Francis Regis of the Blessed Sacrament. She died suddenly Nov<sup>r</sup> 18<sup>th</sup> 1877.

"Though *the present writer* knew this holy religious well & venerates her memory very much indeed she finds it difficult to write about her, for little can be said of the best of nuns.

"Her habitual appearance was that of a holy person absorbed in prayer. She was charity and kindness itself, though reserved in manner. She was 1st mistress of the school from 1849 to 1854 & the school prospered much under her government. She was by no means severe, but gentle by nature & conviction but she was firm and vigilant, and it was the conviction of the little children that Mother Francis Regis knew all our faults by inspiration. She introduced the Sodality of the Children of Mary into the School. She was once or twice appointed class mistress, but her health was not strong enough for the work. She was 2<sup>nd</sup> mistress of the school more than once & librarian in the community. She was a great reader and had a great store of anecdotes. She was mistress of novices from 1861 to 1866, and this was a post that suited her admirably. She was an invalid for some few years before she died."

- X. The Honourable Theresa Stourton, fifth daughter. She was born and baptized at Holme Hall the 21st of March, 1812. She was married at the Catholic Chapel, Chelsea, London, on the 19th of June, 1838, as his third wife, to the Rt. Hon. Henry Benedict (Arundell), 11th Lord Arundell of Wardour. Lord Arundell was educated at Stonyhurst College, and was a Count of the Holy Roman Empire, and a coheir to the Barony of Fitz Payne, of Kerdeston, being a descendant of Sir John Chidiok, through Katherine, his daughter and coheir, widow of Sir William Stafford, of Frome. The other daughter and coheir of Sir John Chidiok, viz., Margaret, married (see page 44) William, second Lord Stourton, of

- Stourton, Co. Wilts, ancestor of course of the Honourable Theresa Stourton, eventually Lady Arundell of Wardour. Lord Arundell of Wardour died the 19th of October, 1862, having had issue of this marriage. Lady Arundell gave evidence for Lord Stourton in his petition for the Baronies of Mowbray and Segrave. She died at North Court House, Abingdon, Co. Berks, the 26th of October, 1878, being buried in the Chapel at Wardour.
- XI. The Honourable Apollonia Stourton, sixth daughter. She was born and baptized at Holme Hall the 21st of May, 1813, and died, unmarried, on the 14th of March, 1854, at the Dominican Convent, at Stone, Co. Stafford, where she was buried.
- XII. The Honourable Charlotte Stourton, seventh daughter. She was born and baptized at Holme Hall the 28th of July, 1814, and is a Benedictine nun at St. Benedict's Priory, Colwich, Co. Stafford.
- XIII. The Honourable Eleonora Stourton, eighth daughter. She was born and baptized at Allerton Park, the 1st of January, 1820. She was married there the 23rd of January, 1844, to Peter Richard Carrington Smythe, Esquire, Lieutenant, 8th Regiment of Hussars, second son of Sir Edward Joseph Smythe, 6th Baronet, of Acton Burnell, Co. Salop. by Frances, his wife, daughter of Sir Edward Bellew, Baronet, of Barmeath, Co. Louth. The aforesaid Peter Richard Carrington Smythe was born the 29th of January, 1815, and died without issue the 14th of September, 1853.
- XIV. The Honourable Lucy Juliana Mary Stourton, ninth daughter. She was buried at Allerton Mauleverer the 7th of August, 1821, and her remains were removed under a faculty from the Parish Church in 1862, to the vault under the chapel at Allerton Park.
- XV. The Honourable Lucy Stourton, tenth daughter. She was born and baptized at Allerton Park the 27th of June, 1822, and died in 1823.
- XVI. The Honourable Frances Stourton, eleventh and youngest daughter. She was born and baptized at Allerton Park the 28th of May, 1823, and was buried at Allerton Mauleverer the 8th of October, 1824, her remains being removed from the Parish Church in 1862, under a faculty, to the vault under the chapel at Allerton Park.

William Joseph, 18th Lord Stourton, died the 4th of December, 1846, and was succeeded by his eldest son, Charles, thereafter nineteenth Lord Stourton.





John W. Adams, Boston  
1850  
from the collection of the  
Boston Public Library

The Right Honourable Charles, nineteenth Baron, and Lord Stourton of Stourton, Co. Wilts., in the Peerage of England, was the eldest son and heir of William Joseph, eighteenth Lord Stourton, by his wife Catherine Winifred, second daughter of Thomas Weld, of Lulworth Castle, Co. Dorset, and succeeded his father December the 4th, 1846.

Charles, 19th Lord Stourton, was born and baptized at Holme Hall, the 13th of July, 1802. Although other evidence was produced for the purpose, the birth of Lord Stourton was not proved by certificate in the Petition for the Baronies of Mowbray and Segrave before the House of Lords. The following is therefore of some importance :

The Honourable Charles Langdale, of Houghton, in the County of York (Uncle of Charles, 19th Lord Stourton), made a declaration at the Police Court, Marlborough Street, on the 2nd of June, 1847, before J. Hardwick,\* that on the 2nd of June, 1847, he examined the following certificate

" 359. July ye 13, 1802, was baptized Charles, the son of the Hon<sup>ble</sup> W<sup>m</sup> Stourton and Catherine Weld, his wife, born on the same day and year.

" God Father—Tho<sup>s</sup> Weld Esq<sup>r</sup>

" God Mother—The Hon<sup>ble</sup> Mary L<sup>dy</sup> Sturton,  
by C. T. Corbe Miss<sup>r</sup>.

" Signed in my presence

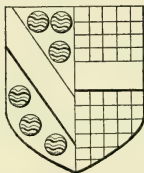
" Ch. Belasyse "

with the original entry in the Registers of Baptisms, kept at the Catholic Chapel, in the district of London, and that it was a true copy of the original entry ; that he knew and was well acquainted with William, Lord Stourton, Baron Stourton of Stourton, Co. Wilts., then deceased, in the said Certificate called the Honble Wm. Stourton, who was his brother ; and also with Catherine, Lady Stourton, his wife, in the said Certificate called Catherine Weld ; and that they were the father and mother

\* Filed in the Chancery Division of the High Court of Justice, in the Principal Secretary's office of the Lord Chancellor. The above is extracted from a certified copy under the hand of Henry Robert White, chief clerk to the Lord Chancellor, on the 16th of February, 1876.

of Charles, then the present Lord Stourton, being the person meant and intended by the description of "Charles, the son of the Hon<sup>ble</sup> W<sup>m</sup> Stourton and Catherine Weld, his wife" in the said Certificate; that he (Charles, Lord Stourton) was the eldest male issue of the said William, then late Lord Stourton; that William, Lord Stourton, was, at the time of his marriage with Catherine, Lady Stourton, a bachelor; and he (Charles Langdale) made the said solemn declaration, conscientiously believing the same to be true, by virtue of the Statutory Declarations Act made in the 6th year of William the Fourth.\*

Charles, 19th Lord Stourton, was married, by special licence, on the 1st of August, 1825, at 10, Mansfield Street, Portland Place, London, the residence of Lord Clifford, to the Honourable Mary Lucy Clifford (who was born the 22nd of November, 1799), sixth daughter of the Right Honourable Charles (Clifford), sixth



*The Arms of Stourton impaling those of Clifford, namely, "chequy or and azure, a fesse gules."*

Lord Clifford of Chudleigh, F.S.A., by his wife, the Honourable Eleonora Mary Arundell, daughter of the Right Honourable Henry (Arundell), eighth Lord Arundell of Wardour. The marriage was registered in the Parish Church of All Souls, St. Marylebone, London, as under:

"In the year one thousand eight hundred and twenty five. The Honourable Charles Stourton, of this district, a bachelor (eldest son of the Right Honourable William, Lord Stourton), and the Honourable Lucy Clifford, of this district, a spinster (daughter of the Right Honourable Charles, Lord Clifford), were married by special license at the Right Honourable Charles, Lord Clifford's, residence, N<sup>o</sup> 10, Mansfield Street, Portland Place, in this district.

\* This certified copy is now in the possession of the present Lord Mowbray, Segrave, and Stourton.







*Portrait of a young lady  
by the artist's daughter  
in the year 1800  
and painted in 1801*

First day of August in the year one thousand eight hundred and twenty five.

By me (*signed*) Geo. W. Woodhouse.  
Officiating Minister.

This marriage was { (*signed*) Charles Stourton.  
solemnised between us { (*signed*) Lucy Clifford.

In the presence of { (*signed*) Henry Arundell. (*signed*) Stourton.  
{ (*signed*) Robert Clifford. (*signed*) Clifford."

The Marriage Settlement was dated the 28th of July, 1825. The Hon. Charlotte Mary Clifford, sister of Lady Stourton, married (see page 650) the Hon. Charles Langdale, a younger brother of Lord Stourton. The Hon. Eleonora Mary Arundell and her sister, the Hon. Mary Christiana (who married her cousin, James Everard, 9th Lord Arundell of Wardour, and is now represented by the present Lord Arundell of Wardour), were together the co-heirs of the ancient Barony of FitzPayne, created by Writ, dated the 6th of February 1298-9. Isabel, daughter and heir of Robert, second Lord FitzPayne, and "de jure suo jure" Baroness FitzPayne, married Sir John Chideocke of Westbury, Co. Wilts. Their great-grandson had issue two daughters and co-heirs (see page 44), between whom the Barony fell into abeyance. The elder, Margaret, married William, second Lord Stourton, who is now represented by the present Lord Mowbray, Segrave, and Stourton, both as heir male and heir general. The younger daughter and coheir married Sir John Arundell of Lanherne, and the moiety vested in her descendants is divided between Lord Clifford and Lord Arundell of Wardour.

Lord Stourton, before he had succeeded to the Peerage, held a commission in the Yorkshire Hussars, Yeomanry Cavalry. He was appointed Cornet the 18th of November, 1823, Lieutenant the 26th of July, 1824, and resigned on the 18th of August, 1826.\* Mrs. William Langdale, writing to Lord Mowbray and Stourton, under the date the 6th of February, 1897, says (on the authority of Mr. William Langdale):

"Your grandfather, Charles Stourton, was in the Yorkshire Hussars and saw active service in the West Country riots, when his troop fired on the people, and in consequence the regiment received the thanks of Parliament for the service rendered. . . . After the explicit your Grandfather slept for 36 hours, having been in the saddle over 24." This is in conflict, however, with Lord Bolton's information.

\* From information supplied by Lord Bolton, Major and Hon. Lieutenant-Colonel commanding the Yorkshire (Princess of Wales' Own) Hussars, who writes, "The *Battle of Bradford* took place in 1842; the Regt., as far as I know, was never at Manchester."

Lord Stourton took his seat in the House of Lords the 7th of June, 1847. He was a Deputy-Lieutenant for the county of York.

By Indenture of the 6th of August, 1850, made between Charles, Lord Stourton, of Stourton, Co. Wilts., of the first part; Alfred Stourton, his eldest surviving son, of the second part; and Charles Langdale, of Houghton, Co. York, Esquire, eldest son of Charles Langdale, formerly Charles Stourton, of the third part; after reciting the settlement of the 29th of July, 1825, made in contemplation of the marriage of Charles, Lord Stourton, and Lucy Clifford, which has been already extracted (see page 671), being the settlement of the family estates at Allerton Mauleverer and Whixley, Co. York, and other premises; and that the marriage then contemplated between Charles, Lord Stourton, and Lucy Clifford had been solemnized, and that there had been issue of that marriage, William Stourton, an eldest son, born the 1st of October, 1826, and who died the 23rd of March, 1838, without issue; Henry Stourton, a second son, born the 26th of December, 1828,\* and who died the 24th of February, 1838, without issue; Alfred Stourton, a third son, who had attained the age of 21 years on the 28th of February, 1850; Edwin Stourton, a fourth son, born the 27th of September, 1832, and who died the 21st of May, 1838; Everard Stourton, a fifth son, then an infant of 16 years; Albert Stourton, a sixth son, then an infant of 14 years, and no other issue; and also reciting an Indenture of the 7th of June, 1834; another Indenture of the 19th of November, 1845; and reciting that the said Hugh Charles, Lord Clifford, and Peter Middleton, had exercised the power of sale reserved to them by the Indenture of 29 July, 1825, with the consent of William, Lord Stourton, and had sold and conveyed to the trustees of the Aire and Calder Navigation, and to the Midland Railway Company, certain parts of the hereditaments comprised therein situate at Rothwell Haigh, Co. York, the proceeds of which had been invested in the purchase of certain other hereditaments, conveyed on the 21st of March, 1843, by the Reverend Edmund Robinson, and Elizabeth Robinson, to Hugh Charles, Lord Clifford, and Peter Middleton, with the consent of William, Lord Stourton, who joined in the conveyance, to be held upon the same trusts and limitations as were the premises that had been then recently sold; and reciting that William, Lord Stourton, had died on the 4th of December, 1846; that Charles, Lord Stourton, had become entitled to certain sums under the trusts of the term of 800 years created by the deed of the 29th of July, 1825, and the interest for the same; that Charles, Lord Stourton, had then expended certain sums out of his own moneys in the works which had then been already done in constructing the foundation of a then intended new Mansion at Allerton Park, and other works relating thereto,

\* This is an error; he was born December 26, 1827.





THE MANSION, ALLEERTON PARK, YORKSHIRE. FROM THE SOUTH-WEST.

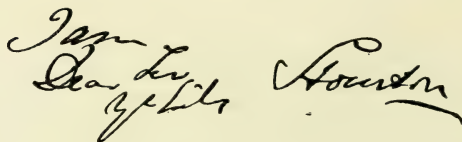
*From a Photograph, 1890.*

besides having then already expended, and incurred liabilities in obtaining certain way leaves, and other privileges and advantages for the benefit and better working of the Colliery at Rothwell Haigh, and otherwise in the improvement of the settled estates ; that certain hereditaments in Allerton Mauleverer, part of the hereditaments comprised in the deed of the 29th of July, 1825, had then been contracted to be sold to the East and West Yorkshire Railway Company, part of the purchase-money having then been paid to Hugh Charles, Lord Clifford, and Peter Middleton ; that certain estates were to be included in the three schedules to the present deed ; that Charles, Lord Stourton, and Alfred Stourton were then desirous of acquiring an absolute power of appointment over certain of the family estates ; therefore it was witnessed that in consideration of Charles, Lord Stourton, relinquishing certain rights, he did grant and confirm, and Alfred Stourton, with his consent as protector of the settlement, likewise granted and confirmed, all the Manors, &c., in Flaxby, Hopperton, Allerton Mauleverer, Goldsborough, Whixley, Clareton, Coneysthorpe, Gelsthorpe, Rainshaw, Rothwell Haigh, and Rothewell, Co. York, with other premises, to hold unto Charles Langdale and his heirs, subject to the right of certain sums chargeable thereon, and other incumbrances specifically mentioned, to the uses thereby limited and assured.\*

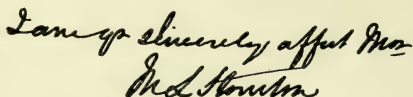
Charles, 19th Lord Stourton, pulled down the old Mansion at Allerton Park, the greater part of which had been built by H.R.H. the Duke of York, though one wing of the original house, the ancient home of the Mauleverers of Allerton, was then standing. It was replaced by the present Mansion. The demolition of the old building was commenced on September the 4th, 1848, the foundations of the new Mansion being laid in 1849. The demolition of the old and the erection of the new buildings were proceeded with simultaneously. the materials of the former structure being used up, as far as they would go, in the erection of the present Mansion. This was finished in 1851, and a part of it was first occupied in the following year. Some of the outhouses, however, were not completed until 1854, and the terraces not until the end of 1855. The chapel, dedicated to St. Mary, attached to the Mansion at Allerton Park, which was built by Charles Philip, 17th Lord Stourton, probably between the years 1807 and 1811, and which was enlarged by his son and successor in 1837, was further enlarged by Charles, 19th Lord Stourton, during the erection of the new Mansion. At that time part of the dining-room of the old mansion was thrown into the tribune.

The following facsimile of Lord Stourton's signature has been reproduced from a letter dated the 26th of May, 1858 :

\* This deed was adduced in evidence in the Mowbray and Segrave Peerages Claim. There are also several deeds relating to the Lords Petre family estates, in which Catherine, Lady Dowager Stourton, is stated to be the testamentary guardian of Robert Edward, Lord Petre.



The signature of Mary Lucy, Lady Stourton, as reproduced here, is taken from a letter :



Charles, 19th Lord Stourton, was in a position to make proof of "Seize Quartiers," a somewhat unusual circumstance in England. This point will be found more fully detailed in the life of his son, for whom a scheme of "Trente-Deux Quartiers" was drawn up by Stephen Tucker, Esq., Somerset Herald. The "Seize Quartiers" of Charles, 19th Lord Stourton, are of course the first sixteen in the thirty-two which will be found under the name of his son, Alfred Joseph, Lord Mowbray, Segrave, and Stourton.

Mary Lucy, Lady Stourton, died at Allerton Park, on the 30th of September, 1872, aged 72 years, and was buried, on the 5th of October following, in the vault below the chapel attached to the mansion. The inscription on her coffin-plate is as follows :

" Mary Lucy  
Lady Stourton  
Wife of Charles  
18th\* Baron Stourton  
Who Departed this Life  
on the 30<sup>th</sup> September 1872  
Aged 72 Years  
R. I. P."

Lord Stourton only survived his wife a short time. He died at Allerton Park the 23rd of December, 1872, in his seventy-first year, his death being certified as from gout, and registered on the 28th of December, 1872. He was buried on the

\* As has recently been discovered, he was in reality the 19th Lord Stourton.



31st of the same month, in the vault below the chapel at Allerton. The inscription on his coffin-plate is as follows :

" Charles  
Lord Stourton  
18<sup>th</sup>\* Baron  
Born July 13<sup>th</sup> 1802  
Died December 23<sup>rd</sup> 1872  
Aged 70.  
R. I. P."

Charles, 19th Lord Stourton, by his wife, Mary Lucy (Clifford), daughter of Charles, 6th Lord Clifford, of Chudleigh, had issue as follows :

- I. William Joseph Stourton, eldest son. He was born at Holme Hall, Co. York, the 1st of October, 1826, and baptized there the same day as " William Joseph, ye lawful son of the honourable Charles Stourton and Lucy, his wife, olim Clifford, by J. Turner, Miss: Apost: ; Godfather, ye Right Hon<sup>ble</sup> Lord Stourton, by proxy Charles Gastaldi; and Godmother, ye Right Hon<sup>ble</sup> Lady Clifford, by proxy, Christina Weld, olim Clifford." He died the 23rd of March, 1838, at Biddlestone, Co. Northumberland, aged 12 years, from " infantile illness," his death being registered the 21st of April, 1838, on the information of the Rev. Mr. Howard, Catholic Priest, present at the time of death. He was buried in the vault below the chapel at Allerton Park, the inscription on his coffin-plate being as follows :

" William Stourton  
Died  
March 23<sup>rd</sup> 1838  
Aged 12 years."

- II. Henry Joseph Charles Stourton, second son. He was born at Holme Hall, Co. York, the 26th of December, 1827, and was baptized there the day following as " Henry Joseph Charles Stourton, y<sup>e</sup> lawful son of y<sup>e</sup> Honourable Charles and Lucy Stourton, by J. Turner, Miss: Apost: ; Godfather, y<sup>e</sup> Right Honble Lord Clifford, by proxy Thos. Brisby ; and Godmother, y<sup>e</sup> Right Honble Lady Stourton ; by proxy ye honour: Mary Stourton." He died the 24th of February, 1838, at Stonyhurst College, in the Township of Aighton, aged 10 years, of " inflammation of the chest," as registered the 26th of February, on the information of the Rev. James Brownbill, who was present at his death. The following is an extract from the College Journal :

\* As has recently been discovered, he was in reality the 19th Lord Stourton.

" 1838.

- Feb. 19. Doctor Norris came to see Master Henry Stourton.  
 „ 21. Dr. Norris came again to see Master Stourton.  
 „ 22. Dr. Norris came for Henry Stourton.  
 „ 23. Dr. Norris came again.  
 „ 24. Mr. & Mrs. Stourton arrived this morning. Dr. Norris came.  
 „ 25. Sunday. Master Henry Stourton died about 10.30 last night.  
 „ 27. Mr. & Mrs. Stourton left the College and took Master William  
 with them for change of air.  
 „ 28. Service for the dead at 8.10. The whole of the Funeral Service  
 was finished before the Burning of Ashes."

The following is an extract from the College Burial Register :

" Henry Stourton died Feb 24th aged 10 years. Was buried Feb.  
 28th 1838 by Father James Brownbill, Rector."

The following is a copy of the inscription upon his tombstone :

" I. H. S.  
 Quieti  
 Henrici Stourton  
 Qui  
 X. Ann. Natus  
 Obiit  
 VI. Kal. Mart.  
 Anno  
 M D CCC XXXVIII  
 R. I. P."

- III. The Right Honourable Alfred Joseph, twentieth Lord Stourton, and subsequently Lord Mowbray, Segrave and Stourton, third, but eldest surviving son and heir, of whom hereafter.
- IV. Edwin Joseph Stourton, fourth son. He was born at Cave Castle, Co. York, the 27th of September, 1832, and died at Biddlestone, Co. Northumberland, the 21st of May, 1838, being buried in the vault below the chapel at Allerton Park. The inscription on his coffin-plate is as follows :

" Edwin Stourton  
 Died  
 May 21, 1838  
 Aged 5 Years."

- V. The Honourable Everard Joseph Stourton, of Maura, Bournemouth, Captain in the 10th Hussars, and sometime of the 8th Hussars, fifth, but second surviving son. He was born at Cave Castle, Co. York, the 18th of February, 1834, and served with his regiment in the Crimean War and in

the Indian Mutiny. He was married at Crosby Hall, Lancashire (the seat of Nicholas Blundell, Esquire), on the 7th of May, 1862, to the Honourable Fermina Maria Magdalena Bellew, youngest daughter of the Right Hon. Sir Patrick (Bellew), 1st Lord Bellew, of Barmeath, Co. Louth, in the Peerage of Ireland, Lord Lieutenant of Louth, P.C., by Anna Fermina, his wife, daughter of Don José Maria de Mendoza y Rios, of Seville. The Hon. Mrs. Everard Stourton possesses a three-fourth's share (the other fourth being the property of her sister, the Hon. Annabella Mary, wife of General Tower) in a property called Pond Hall Farm, containing about 330 acres, situated in the parishes of Bradford and Wix, in Essex. Captain the Hon. Everard Stourton died the 20th of February, 1869, and was buried in the vault below the chapel at Allerton Park, the 27th of the same month, the inscription upon his coffin-plate being as follows :

"The Hon<sup>ble</sup>  
Everard Stourton  
Born 18<sup>th</sup> Feb<sup>y</sup> 1834  
Died 20<sup>th</sup> Feb<sup>y</sup> 1869  
R. I. P."

Under a handsome sculpture of "The Agony in the Garden," in St. Wilfrid's Catholic Church, York, appears the text :

"✠ Father : If : It : Be : Possible : Let : This : Chalice : Pass :  
From : Me : Nevertheless : Not : As : I : Will : But : As : Thou :  
Wilt : ✠"

Then follows the inscription :

"This : Monument : Was : Erected : To : The : Memory : Of  
Captain : The : Hon : Everard : Stourton  
Who : Died : The : 20<sup>th</sup> : Of : February : A.D. : 1869 : Aged : 35 : years  
By : His : Brother : Officers : Of : The : 10th : Hussars  
And : The : Men : Of : His : Troop  
Requiescat : In : Pace."\*

Captain the Hon. Everard Stourton, by his wife, the Hon. Fermina Maria Magdalena (Bellew), had issue :

- i. Everard Joseph Stourton, Esquire, eldest son, sometime Lieutenant in the 2nd Battalion Queen's Own Cameron Highlanders (Militia). He was born and baptized the 28th of December, 1864, at Allerton Park.
- ii. Athelstan Philip Joseph Stourton, second son, sometime Lieutenant in the Portsmouth Division of the Submarine Miners,

\* All the inscription is in Gothic characters.

Royal Engineers (Militia). He was born the 6th of January, 1868, at Newbridge, co. Kildare, Ireland, and was baptized at the Catholic church there. He died, unmarried, at Rio Tinto, in Spain, of pneumonia following upon influenza, on the 19th of February, 1896, and was buried there. The following is a copy of the inscription upon his tomb :

" R. I. P.  
 ATHELSTANE FELIPE STOURTON. HIJO,  
 DEL HONORABLE SR. EVERARDO STOURTON  
 Y DE LA HONORABLE SRA. FERMINA BELLEW,  
 NIETO DEL 18<sup>to</sup>\* LORD STOURTON,  
 DURMIOSE EN EL SEÑOR EL 19 DE FEBRERO  
 DE 1896, NACIO EN ATHLONET† (IRLANDA).  
 EL 6 DE ENERO DE 1868.  
 DESCANSE EN PAZ.  
 AQUI RECIBIO MUCHAS VECES EL SACRADO  
 CUERPO DEL SEÑOR, AQUI, DESPUES DE DAR  
 SU ALMA AL BUEN JESUS, DE JO  
 SUS RESTOS MORTALES EN SU ADORABLE  
 Y REAL PRESENCIA.  
 BEATI QUI HABITANT IN DOMO TUA.  
 DOMINE, IN SÆCULA A SACULORUM  
 LAUDABUNT TE=PS. LXXXIII.-5="

- iii. Alfred Claud Everard Joseph Stourton, third son, Lieutenant in the 2nd Battalion of the Queen's Own Cameron Highlanders. He was born the 25th of March, 1869, at Allerton Park, and was baptized there the day following. He died unmarried, at Malta, the 11th of September, 1893, and was buried in the Addolorata Catholic Cemetery, near Valetta, Malta. His tomb bears the following inscription :

" In memory of  
 Lieut. Alfred C. E. Stourton  
 Queen's Own Cameron High<sup>d</sup>s  
 Died at Malta 11<sup>th</sup> Sep. 1893  
 Aged 24 years  
 Erected by his brother officers  
 —  
 Blessed are the pure of heart  
 For they shall see God.  
 R. I. P."

- iv. Mary Stourton, elder daughter. She was born the 18th of February, 1864, at Rathmines, Co. Dublin, and was baptized at the Catholic church there.
- v. Ethel Blanche Mary Stourton, second and younger daughter. She was born the 10th of October, 1866, at Athlone, Ireland, and was baptized at the Catholic church there. She died the

\* In reality the 19th Lord Stourton.

† An error, see above.

7th of March, 1866, and was buried in the vault below the chapel at Allerton Park, the inscription upon her coffin-plate being as follows :

" Ethel Blanche Mary  
Stourton  
Born 10<sup>th</sup> Oct.  
1866  
Died 7<sup>th</sup> March  
1868."

VI. The Honourable Albert Joseph Stourton, sixth and youngest, but third surviving son, late of Buckland, Farringdon, Co. Berks, and of 8, Pen-y-Wern Road, Earl's Court, London, S.W. He was born and baptized at Cave Castle, near Hull, Co. York, on the 20th of December, 1835. He was married at Coughton Court, Co. Warwick, on the 25th of April, 1866, to Elizabeth Laura Caroline, youngest daughter of Sir Robert George Throckmorton, of Coughton Court, 8th Baronet, by Elizabeth his wife, only daughter of Sir John Francis Edward Acton, 6th Baronet of Aldenham, Salop. Of this marriage there has been issue :

- i. Auberon Joseph Stourton, Esquire, eldest son, born and baptized the 28th of April, 1867, at Allerton Park. He was married at St. James's Catholic Church, Spanish Place, London, on the 9th of July, 1896, to Gwladys Jessie, youngest daughter of the late George William Thomas, of Ystrad Mynach, Co. Glamorgan.
- ii. Herbert Marmaduke Joseph Stourton, second son ; born at Buckland the 30th of December, 1873, and there baptized the following day. He was married at the Catholic Church of the Assumption, Warwick Street, London, on the 7th of June, 1898, to the Honourable Frances Mary Winifred Southwell, only daughter (born the 4th of April, 1874) of the Rt. Hon. Sir Thomas Arthur Joseph (Southwell), 4th Viscount Southwell of Castle Mattress in the Peerage of Ireland, K.P., by his wife Charlotte Mary Barbara, eldest daughter of Sir Piers Mostyn, 8th Baronet, of Talacre.
- iii. Ernest William Joseph Stourton, third son ; born at Buckland, the 14th of June, 1875, and baptized there the following day.
- iv. Rudolph Henry Joseph Stourton, fourth son ; born and baptized at Buckland, the 8th of April, 1881.

- v. Mabel Mary Lucy Stourton (baptized as "Mabel Mary Lucy," birth registered as "Mabel Lucy Mary"\*) , eldest daughter. She was born at Buckland the 13th of November, 1868, and there baptized. She died there the 5th of August, 1879, and was buried in the Catholic cemetery, at Coughton, Co. Warwick, the 9th of the same month. The following is a copy of the entry in the baptismal register of the church (dedicated to SS. Peter and Paul, and St. Elizabeth) at Coughton :

"Anno 1879 die 5<sup>a</sup> menses Augusti Mabel Maria Lucia Stourton ex Buckland ætatis 11, in communione S. Matris Ecclesiæ Deo reddidit sacramentis munitâ cujus corpus die 9<sup>a</sup> mensis Augusti sepultum est in Coemeterio Catholico apud Coughton.

"Richardus Davis Miss: Ap:"

The following is a translation of the foregoing entry in the register :

"In the year 1879, on the fifth day of August, Mabel Mary Lucy Stourton, from Buckland, aged eleven, died in communion with Holy Mother the Church, and strengthened by the sacraments. On the ninth day of August she was buried in the Catholic cemetery at Coughton.

"(Signed) Richard Davis, Miss: Apos."

The following is a copy of the inscription upon her tombstone :

"I. H. S.

MARY MABEL LUCY STOURTON.

BORN NOVEMBER 13TH, 1868, DIED AUGUST 5TH, 1879.

FATHER NOT MY WILL BUT THINE BE DONE.

SHE WAS TAKEN AWAY LEST WICKEDNESS SHOULD ALTER HER UNDERSTANDING OR DECEIT BEGUILE HER SOUL. WISDOM IV."

- vi. Beatrice Mary Stourton, second daughter ; born the 23rd of February, 1870, at Buckland, and there baptized.
- vii. Elizabeth Mary Alberta Stourton, third daughter ; born the 15th of September, 1871, at Buckland, and there baptized.
- viii. Bertha Mary Philippa Stourton, fourth daughter ; born the 14th of September, 1872, at Allerton Park, and baptized there the day following. She was married at the Pro-

\* And note variation in the order of the names upon her tombstone.

Cathedral, London, on the 29th of August, 1894, to Frederick Bartholomew Stapleton-Bretherton, of Rainhill, in the County Palatine of Lancaster, Lieutenant in the Lancashire Hussars Yeomanry Cavalry [eldest son of Frederick Annesley Stapleton-Bretherton, of Rainhill, aforesaid, and of Heathfield House, Hants., Esquire, J.P., D.L., by his wife the Honourable Isabella Mary (Petre), second daughter of the Rt. Hon. William (Petre), 12th Lord Petre of Writtle], by whom she has issue.

- ix. Florence Winifred Pauline Mary Stourton, fifth daughter ; born at Buckland on the 30th of June, 1877, and there baptized.
- x. Eleanora Mary Stourton, sixth daughter ; born at Buckland on the 21st of October, 1883, and there baptized.

Charles, 19th Lord Stourton, having died, as previously stated, the 23rd of December, 1872, he was then succeeded by his eldest surviving son, Alfred Joseph, thereafter 20th Lord Stourton, and eventually Lord Mowbray, Segrave, and Stourton.



The Right Honourable Alfred Joseph, twentieth Baron and Lord Stourton, of Stourton, Co. Wilts., in the Peerage of England, and eventually 23rd Lord Mowbray and 24th Lord Segrave, also in the Peerage of England, was by birth the third, but was the eldest surviving, son and heir of the Rt. Hon. Charles, 19th Lord Stourton, by his wife, the Honourable Mary Lucy (Clifford), sixth daughter of the Right Honourable Charles, 6th Lord Clifford of Chudleigh, and succeeded his father as 20th Lord Stourton the 23rd of December, 1872.

Alfred Joseph, 20th Lord Stourton, was born and baptized at Holme Hall, Co. York, the 28th of February, 1829. In his baptismal certificate he is described as "Alfred Joseph y<sup>e</sup> lawful son of y<sup>e</sup> Hon<sup>ble</sup> Charles and Lucy Stourton." He was baptized by the Rev. J. Turner, Miss. Apost., his godparents being the Hon. Hugh Clifford and Mary (Langdale), Dowager Lady Stourton, for whom the proxies were Thomas Brisby, butler, and Mrs. Allen, housekeeper.

As the Honble. Alfred Joseph Stourton, he was married on the 13th of September, 1865, at Skryne, Co. Meath, Ireland, to Mary Margaret (born the 17th of December, 1845), only child and sole heir of Matthew Elias Corbally, Esquire, of "Corbalton Hall" (Cookstown), Tara, Co. Meath, in the Commission of the Peace.



*Arms of Stourton, and in pretence those of Corbally, namely, "Azure, a Pegasus rampant argent, crined and unguled or, debriused by a chevron of the last, charged with three billets gules."*

and a Deputy-Lieutenant for that county, and Member of Parliament, by his wife (married June the 16th, 1842), the Honourable Matilda (Preston), only daughter of the Rt. Hon. Jenico (Preston), 12th Viscount Gormanston, in the Peerage of Ireland, and his wife the Hon. Margaret (Southwell), second daughter of the Rt. Hon. Thomas





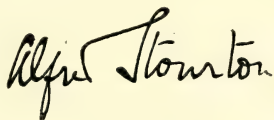
Arthur (Southwell), 2nd Viscount Southwell. The late Mr. Matthew Elias Corbally sat in Parliament for Meath as a Liberal from February, 1840, to July, 1841, and again from 1842 until his death in 1870. He was born in April, 1797, and died November the 25th, 1870, being the son of Elias Corbally [by his wife Mary (*née* Keogh), widow of Frederick Netterville (d. 1785), of Longford, Co. Galway, and Glasnevin, Co. Dublin], and the grandson of Matthew Corbally of Rathcogan, and Sydenham, Co. Meath [and his wife Susanna, daughter of William Fitz Simons, of Garradice, Co. Meath].

The Corbally Estates to which Mary Margaret (Corbally), Lady Mowbray, Segrave, and Stourton, succeeded on the death of her mother, and presently enjoys, consist of lands situated in the county of Meath, in the Baronies of Skryne, Ratoath, Upper Deece, Lune, Upper Duleek, &c., partly freehold and partly leasehold, containing 7,290 statute acres. The property lies in eighteen townlands, these being the subdivisions of Baronies.

The family residence is built on the townland of Cookstown, in the parish of Skryne, and is known as "Corbalton Hall." This is the present (1898) residence of Mary Margaret, now (1898) Dowager Lady Mowbray, Segrave, and Stourton.

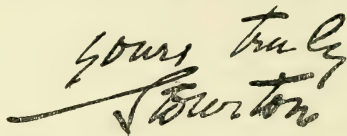
As the Hon. Alfred Joseph Stourton, he held a Commission in the Yorkshire Hussars Yeomanry Cavalry, being appointed Cornet the 2nd of November, 1850, and Lieutenant the 27th of May, 1853. He resigned his commission the 16th of October, 1865.

The following is a facsimile reproduction of his signature prior to his succession to the Peerage :

A handwritten signature in dark ink, reading "Alfred Stourton". The script is cursive, with the first letter 'A' being large and stylized, and the 'S' in 'Stourton' being particularly prominent and flowing.

At the death of his father on the 23rd of December, 1872, he succeeded, as has been previously stated, as 20th Baron Stourton, taking his seat in the House of Lords as such the 15th of July, 1873, having first, at the table of the House, taken and subscribed the oath in conformity with the Statute. As Lord Stourton, he ranked thirteenth upon the roll of Barons in 1873, the Baronies of Le Despencer, De Ros, Hastings, De Clifford, Willoughby de Eresby, Dacre, Clinton, Zouche of Haryngworth, Grey de Ruthyn, Botreaux, Camoys and Beaumont being placed above the

Barony of Stourton.\* In 1640 the Barony of Stourton ranked ninth, and in 1677 tenth, on the Roll of Barons. The following is a facsimile of his signature as Lord Stourton, reproduced from a letter dated December the 7th, 1876:



Alfred Joseph, 20th Lord Stourton, through his ancestress, Winifred (Howard), Lady Stourton (see page 553), was also senior co-heir (with Lord Petre, each having inherited an entire moiety) of the ancient Baronies, by writ (in the Peerage of England), of Mowbray, Segrave, Furnival, Strange of Blackmere, and Talbot;† and senior co-heir (with Lord Petre) to a moiety of the Baronies of Dacre of Gillesland,‡ Greystock,§ and Giffard of Brimsfield;§ a co-heir to the Barony of Braose of Gower, and to the Baronies of Howard, Verdon, Ferrers of Wemme and Kerdeston.|| These will be found treated separately later. In addition to this, Lord Stourton was a co-heir¶ amongst the descendants of the Lords Fitz Payne (see page 43) and the Lords Fitzwarine (if such a Peerage Barony exists); but the attainder for felony of Charles, 8th Lord Stourton, would, until a reversal thereof is obtained, stand in the way of any claim which might be put forward thereto by his descendants.

As the senior co-heir to the Baronies of Mowbray and Segrave [which had been in abeyance since the death, on the 20th of September, 1777, of Edward (Howard), 9th Duke of Norfolk, between the heirs of Winifred (Howard), Lady Stourton, and Anne (Howard), Lady Petre], Alfred Joseph, 20th Lord Stourton, petitioned the Crown, praying that the abeyance of those two baronies might be terminated in his favour as senior co-heir. Her Majesty referred the petition in the usual manner to the House of Lords, and Lord Stourton was therefore called upon to establish his

\* Vide Burke's "Peerage." Editions 1873 and 1878.

† G. E. C. in the "Complete Peerage," vol. iii., p. 409, says in a footnote, "To these may (possibly) be added (1) the Barony of Howard [1470], if not extinguished (which in all probability it is) by the attainder of 1485, as also (2) the Barony of Arundel [1377], if it be not (which in all probability it is) the *same* Barony as that of Maltravers, and so consequently (together with FitzAlan, Clun and Oswaldestre) annexed by Act of Parl., 3 Car. I., to the Earldom of Arundel."

‡ The other and junior moiety of these Baronies is vested in the Earl of Carlisle.

§ The other and senior moiety of this Barony is vested in the heirs of James, Lord Audley.

|| In several of the above cases no occasion has as yet arisen by which it has been established before the Committee of Privileges of the House of Lords that the reputed Baronies are heritable Peerages.

¶ The senior moiety is vested in the heirs of Sir John Arundel of Lanherne, who died s. p. m. in 1701.



*The Lady of the Lake, by Sir John Everett Millais, 1856.*





descent and co-heirship before the Committee of Privileges of the House of Lords. The case first came on for hearing before the Committee on the 30th of May, 1876. and was further heard on the 14th of July in the same year, on the 23rd of March, 1877, the 12th of June, and the 24th and 26th of July following, the Counsel for Lord Stourton, the petitioner, being Mr. Fleming, Q.C., and Mr. Reginald Cust. After the Attorney-General had been heard on behalf of the Crown, it was, on the 27th of July, proposed to resolve :

“ That the Barony of Mowbray is an ancient Barony in fee.

That it is proved by the Writ of Summons addressed to Roger de Mowbray in the 11th year of Edward I., and the other evidence adduced on behalf of the Petitioner, that the Barony of Mowbray was in the reign of King Edward I. vested in Roger de Mowbray.

That the Barony of Mowbray was vested by descent in Thomas, Lord Mowbray, and Segrave, the son of John, Lord Mowbray, and Elizabeth, Lady Segrave, who was whilst under age created Earl of Nottingham in 1383, and who was subsequently created Duke of Norfolk.

That on the death of Anne, Lady Mowbray and Segrave, Duchess of York and Norfolk, in 1481, the Baronies of Mowbray and Segrave fell into abeyance between John, Lord Howard, and William, Viscount Berkeley, as the grandsons and the then co-heirs of Thomas, the first Duke of Norfolk.

That the abeyance of the said Baronies was subsequently and previously to the reign of Queen Elizabeth determined in favour of the Howard family, and the said Baronies were forfeited by the attainder of Thomas, Duke of Norfolk, in the year 1572.

That by Act of Parliament the said Baronies were restored to Thomas, Earl of Arundel, the grandson of Thomas, Duke of Norfolk, in the year 1604, and his eldest son was in his father's lifetime summoned into the Barony of Mowbray.

That the Baronies of Mowbray and Segrave again fell into abeyance in the year 1777, and are now in abeyance between the Petitioner and William Bernard, Lord Petre.

That the Barony of Mowbray is at Her Majesty's disposal.”

On the question being put,

It was resolved in the affirmative,

And it was ordered that these Resolutions be reported to the House.

On the same day it was also proposed to resolve :

“ That the Barony of Segrave is an ancient Barony in fee.

That it is proved by the Writ of Summons addressed to Nicholas de Segrave in the 11th year of Edward I., and the other evidence adduced on behalf of the Petitioner, that the Barony of Segrave was in the reign of King Edward I. vested in Nicholas de Segrave.

That the Barony of Segrave descended in succession to the son and to the great-grandson of Nicholas, Lord Segrave.

That on the death of John, Lord Segrave, the great-grandson of Nicholas, in the 27th year of Edward I., the Barony of Segrave descended to his daughter Elizabeth, who was then the wife of John Mowbray, who succeeded his father as Lord Mowbray in the 35th year of Edward III.

That the Barony of Segrave is now in abeyance between the co-heirs of Thomas, Earl of Arundel and Surrey, Lord Mowbray and Segrave.

That the Petitioner and William Bernard, Lord Petre, are now the co-heirs of the said Thomas Earl of Arundel and Surrey, and co-heirs to the Barony of Segrave.

That the Barony of Segrave is at Her Majesty's disposal.”


On the Question being put,

It was resolved in the affirmative,

And it was ordered that these Resolutions be reported to the House.

The full particulars of the origin and descent of the Baronies of Mowbray and Segrave will be found set out herein in the pages devoted to those Peerages. It will be sufficient to state that Her Majesty was “ graciously pleased to grant the Prayer of the Petition, and terminate the abeyance of the Baronies of Mowbray and Segrave in favour of Alfred Joseph, Lord Stourton, the Senior co-heir ”; and on the 29th of December, 1877, a Warrant was issued to the Lord Chancellor directing him to “ make or cause to be made forthwith one Summons under Our Great Seal to be directed to Our right trusty and well-beloved Alfred Joseph, Lord Stourton, of Stourton, in Our County of Wilts., by the name, style and title of Alfred Joseph Stourton, de Mowbray, Chevalier,” &c. The Writ was accordingly issued, bearing date at Westminster the 3rd of January, 1878.

The accompanying illustration is a reduced facsimile of the actual writ now lodged in the House of Lords, and reproduced by the courtesy of H. J. Lowndes Graham, Esquire, C.B., Clerk of the Parliaments. The other illustration is of the document preserved with the Writ.


 Edward by the grace of God of the United Kingdom of Great Britain and Ireland Queen  
 Defender of the Faith. TO the right truly and well beloved Alfred Joseph Sturton  
 de Mowbray Chapter Greeting Whithers by reason of certain reasons and urgent  
 affairs concerning the state and defence of our said United Kingdom and the Church so as to  
 fully with the advice and consent of our Council and our present Parliament to be taken  
 at our city of Westminster on the fifth day of March in the thirteenth year of our reign  
 which Parliament hath been from that time by several adjournments and prorogations adjourned  
 prorogues and continued to and under the twentieth day of January instant at our city aforesaid  
 to be then here held. We strictly requiring command you under the faith and allegiance by which  
 you are bound to us that considering the difficulty of the said affairs and dangers impending  
 all business being laid aside you be personally present at the said day and place with us and with  
 the greater nobles and peers of our said Kingdom to hear of the aforesaid affairs and to give  
 your advice and that you may in haste come to you under us and our son and the safety  
 and defence of our said Kingdom and Church and the delivery of the said affairs. To these  
 comes at Westminster the third day of January in the thirty first year of our reign

C. Mowbray

To the right truly and well beloved Alfred Joseph  
 Sturton de Mowbray Chapter  
 A King of the United Kingdom of Great Britain and Ireland

THE WRIT BY WHICH THE BARONY OF MOWBRAY WAS CALLED OUT OF ABEYANCE IN 1878.

From a Photograph, 1885.





The Queen has been pleased to terminate the  
allegiance of the Barony of Mowbray in favor of  
Lord Howson

The Barony is of great antiquity and in the  
Eleventh Edward I. Roger de Mowbray was summoned  
to Parliament as a Bar of the Realm

The Title descended in regular succession from  
him to Thomas Lord Mowbray who was created  
Duke of Norfolk in 1399

On the death in 1488 of Anne Lady Mowbray  
the only child of the Fourth Duke of Norfolk the  
Barony fell into allegiance between Sir John Howard  
and William Lord Berkeley

Sir John Howard was created Duke of Norfolk  
and in his favor the allegiance of the Barony  
of Mowbray was determined previously to the year  
1485

The Barony descended in regular succession  
to Thomas Duke of Norfolk who was attainted in 1572  
Thomas Earl of Arundel his Grandson was restored  
by Act of Parliament to all the honors of his  
family and his Son during his lifetime and  
his great grandson the son of Henry Duke of  
Norfolk were successively summoned to Parliament  
as Lords Mowbray

The Barony again fell into allegiance on the  
death of Edward Duke of Norfolk in 1577 between  
the Ancestor of Lord Howson and the Ancestor  
of the present Lord Tche and the Queen has been  
pleased to determine that allegiance in favor of  
Lord Howson the Son to be heir

On the 17th of January following the House being informed "That the Lord Mowbray was attending with his Writ of Summons to Parliament, the Lord Chancellor explained to the House his Lordship's descent."

Lord Stourton thereupon took the oath and his seat as Lord Mowbray on the 17th of January, 1878.

A Writ of Summons being never addressed to a Peer by more than one of his Peerage titles, the abeyance of the Barony of Segrave was consequently terminated by Letters Patent under the Great Seal, bearing date the 18th of January, 1878. These will be found quoted, at length, later.

Alfred Joseph, Lord Stourton, thereupon became 23rd Lord Mowbray, 24th Lord Segrave, and had, of course, previously succeeded as 20th Lord Stourton of Stourton, Co. Wilts., all in the Peerage of England.

The Barony of Mowbray is placed second upon Garter's Roll of the Barons, being postponed to the Barony of De Ros. But it is almost universally held by Peerage writers that the Barony of Mowbray should be ranked as the Premier Barony of England. This point will be more fully discussed hereafter, when dealing exclusively with the Barony of Mowbray. Here the matter may perhaps best be summed up as follows, namely, that as it has since been decided by the Committee of Privileges that the Writ of Summons of 49 Henry III., under which Lord de Ros is placed in the House of Lords, could not create a Peerage, Lord Mowbray is entitled to be placed as the Premier Baron of England. The Baronies of Despencer and De Ros were both in abeyance when, in 1639 and 1679, Mowbray was placed at the head of the Baronies; but, had they then been in existence, it seems not improbable that Mowbray (which was placed above the anomalously-venerated Barony of Abergavenny, usually allowed to head the list) would have been placed before them.

The learned G. E. C., in his "Complete Peerage," remarks concerning the Barony of Mowbray:

"In spite of that proud position (to which Mowbray appears to have a better right than the anomalous Baronies of Abergavenny, De Ros and Despencer, according to the now received doctrine as to the creation of such dignities), one cannot but regret that so ancient a Barony as that of Stourton,\* conferred by one of the Plantagenet Kings in 1448, and enjoyed ever since in uninterrupted succession *in the male line* for four and a half centuries [1], should be obscured by the Barony of Mowbray.

\* The oldest existing Barony by patent.



which, though undoubtedly more ancient, has practically never been heard of for five hundred years (when, in 1397, its possessor was *cr.* Duke of Norfolk)."

The supporters of the Lords Stourton, originally "two antelopes azure," had for many generations uniformly been "two sea-dogs sable, scaled and finned or." But upon the termination of the abeyance of the Barony of Mowbray, Lord Mowbray, Segrave, and Stourton, desired that a change, indicative of his senior Barony, should be made. The following is a copy of the Grant which was consequently issued :

"**To all and singular** to whom these Presents shall come Sir Albert William Woods, Knight, Garter Principal King of Arms sendeth greeting **Whereas** Alfred Joseph Stourton, Baron Mowbray, hath represented unto the The Most Noble Henry Duke of Norfolk Earl Marshal and Hereditary Marshal of England that Her Majesty having been pleased to summon him to Parliament by Writ under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date the third day of January last, by the name, style and title of Lord Mowbray he being one of the heirs of Roger de Mowbray who was summoned to Parliament in the Eleventh year of the Reign of King Edward the First and being desirous of bearing the following Supporters for the said Barony of Mowbray (there not appearing to be any record of the Supporters borne by the former Lords Mowbray) viz<sup>t</sup> on the dexter side A Lion ducally crowned and on the sinister side A Sea-dog ; His Lordship therefore requested the favour of His Grace's Warrant for my granting and assigning to him such Supporters as may be proper to be borne by him and by those to whom the said dignity of Baron Mowbray shall hereafter descend **And forasmuch** as the said Earl Marshal did by Warrant under his hand and seal bearing date the Sixteenth day of September following authorise and direct me to grant and assign such Supporters accordingly **Know ye therefore** that I the said Garter in pursuance of His Grace's Warrant and by virtue of the Letters Patent of my Office to me granted do by these Presents grant and assign unto him the said Alfred Joseph Baron Mowbray the Supporters following that is to say On the dexter side A Lion Argent ducally Crowned Or And on the sinister side A Sea-dog Sable scaled and finned Or, as the same are in the margin hereof more plainly depicted to be borne and used for ever hereafter by him the said Alfred Joseph Baron Mowbray and by those to whom the said dignity of Baron Mowbray shall hereafter descend **In witness** whereof I the said Garter Principal King of Arms have to these Presents subscribed my name and affixed the Seal of my Office this Twenty sixth day of October in the Forty second year of the Reign of Our

Sovereign Lady Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith &c. and in the year of Our Lord One Thousand Eight hundred and seventy eight.

(Signed) ALBERT W. WOODS, Garter."

The term "Seize Quartiers," though well understood and constantly used upon the Continent, where it is accepted as the true test of birth, is the source of much mistake and confusion in this country, where the descent in the strict male line is the one to which preference is given, and to which the chief and almost sole value is attached. The "quarterings" which a man inherits, and may bear upon his own escutcheon, are the arms of those of his female ancestors who were heiresses in blood, or, in other words, who had no brothers to leave surviving issue. These have no relation to the proof of "seize quartiers," the arms of which are not necessarily borne, inherited, or transmitted. Every person has two parents, four grandparents, eight great-grandparents, and sixteen great-great-grandparents. To show a right to "seize quartiers," it must be proved that the whole and each individual one of these sixteen great-great-grandparents were in their own right lawfully entitled to bear arms. In England it is the exception for this to be found possible. It is rare indeed with other than Catholic families. That anyone in England should be in a position to prove as much a generation farther back in every line, and show that each of his thirty-two great-great-great-grandparents had the right to bear arms is almost unique. Alfred Joseph, Lord Mowbray, Segrave, and Stourton, could do this, and the following scheme of "Trente-Deux Quartiers" was drawn up by the late Stephen Tucker, Esquire, Somerset Herald. The names and arms of the thirty-two great-great-great-grandparents of Lord Mowbray, Segrave, and Stourton, are, according to the illuminated document drawn up by the late Somerset Herald, as follows :

1. The Hon. Charles, fifth son of William, 12th Lord Stourton.

*Arms*—Sable, a bend or, between six fountains proper.

2. Catherine, daughter of Richard Frampton, of Biddesdon, Co. Wilts, Esquire.

*Arms*—Argent, a bend gules, cottised sable.

3. Philip Howard, of Buckenham, Co. Norfolk, Esquire.

*Arms*—Gules, a bend between six cross crosslets fitchée argent, and as an honourable augmentation, on the bend an inescutcheon or, charged with a demi-lion rampant, pierced through the mouth by an arrow, within the Royal tressure of Scotland flory and counterflory also gules.

4. Winifred, daughter of Thomas Stonor, of Stonor, Esquire

*Arms*—Azure, two barrulets dancetté or, a chief argent.

5. Marmaduke, 4th Lord Langdale.  
*Arms*—Sable, a chevron between three estoiles argent.
6. The Hon. Elizabeth, youngest daughter of William, 3rd Lord Widrington.  
*Arms*—Quarterly argent and gules, a bend sable.
7. Sir John Smythe, of Acton Burnell, Co. Salop, Bart.  
*Arms*—Sable, three roses argent.
8. Constantia, eldest daughter of George Blount, of Mawley, Co. Worcester, Esquire.  
*Arms*—Barry nebuly of six or and sable.
9. Edward Weld, of Lulworth, Esquire.  
*Arms*—Azure, a fess nebuly between three crescents ermine.
10. Mary Theresa, daughter of John Vaughan, of Courtfield, Esquire.  
*Arms*—Per pale azure and gules, three lions rampant argent.
11. Sir John Stanley-Massey-Stanley, of Pudlington, Co. Chester, Bart.  
*Arms*—Argent, on a bend azure, three stag's heads caboshed or.
12. Mary, elder daughter and co-heir of Thomas Clifton, of Lytham, Esquire.  
*Arms*—Argent, on a bend sable, three mullets or.
13. Hugh, 3rd Lord Clifford, died March 25, 1732.  
*Arms*—Chequy or and azure, a fesse gules.
14. Elizabeth, eldest daughter and co-heir of Edward Blount, of Blagdon, Co. Devon, Esquire.  
(*Blount Arms*, as before.)
15. James, 5th Lord Aston of Forfar.  
*Arms*—Argent, a fess and in chief three lozenges sable.
16. Lady Barbara Talbot, daughter of George, 14th Earl of Shrewsbury.  
*Arms*—Gules a lion rampant within a bordure engrailed or.
17. Hugh, 2nd Lord Clifford.  
(*Clifford Arms* as before.)
18. Anne, second daughter and co-heir of Sir Thomas Preston, of Furness, Co. Lancaster, Bart., died 1734.  
*Arms*—Argent, two bars gules, on a canton of the last a cinque-foil or.
19. Edward Blount, of Blagdon, Co. Devon, Esquire, third son of Sir George Blount, Bart.  
(*Blount Arms* as before.)
20. Anne, eldest daughter of Sir John Guise, Bart., M.P. for Co. Gloucester.  
*Arms*—Gules, six lozenges conjoined vair 3, 3 and 1.
21. Edward Henry, 1st Earl of Lichfield.  
*Arms*—Argent, a fess between three crescents sable.





Mr. Alfred C. Carter

1880

22. Lady Charlotte Fitzroy, natural daughter of King Charles II. by Barbara Villiers, Duchess of Cleveland.  
*Arms*—Quarterly, 1 and 4, France and England quarterly, 2 Scotland, 3 Ireland, the whole debruised by a baton sinister ermine.
23. Sir John Hales, of Woodchurch, Bart.  
*Arms*—Gules, three arrows, two and one points downwards argent.
24. Mary Katherine, daughter of Sir Richard Bellings, Knt.  
*Arms*—Argent, a cross between 4 cross crosslets fitchée gules.
25. Henry, 6th Lord Arundell of Wardour.  
*Arms*—Sable, six martlets, 3, 2 and 1 argent.
26. Elizabeth Eleanor, daughter and heir of Baron Raymond Everard of Liège, Baron of the Holy Roman Empire.  
*Arms*—Gules, a fess wavy between 3 estoiles pierced argent.
27. Richard Bellings Arundell, of Lanherne, Co. Cornwall, Esquire, son of Sir Richard Bellings, Knt.  
*Arms* as here given are Quarterly, 1 and 4 Bellings as previously, 2 and 3 Arundell as previously.
28. Anne, daughter of Joseph Gage, of Sherborne, Co. Oxon, Esquire.  
*Arms*—Quarterly, 1 and 4, per saltire azure and argent, a saltire gules ; 2 and 3, azure, a sun in his splendour or.
29. Benedict Conquest, of Houghton Conquest, Esquire.  
*Arms*—Quarterly argent and sable, in chief a label of three points gules.
30. Anne, daughter of Rev. John Birch, Rector of Houghton Conquest.  
*Arms*—Azure, three fleurs-de-lys and a canton argent.
31. Thomas Markham, of Ollerton and Claxby, Co. Notts., born 1665.  
*Arms*—Azure, a chief or, and issuant therefrom a demi-lion rampant gules, all within a bordure argent.
32. Catherine, daughter of Philip Constable, of Hough, Co. York, Esquire.  
*Arms*—Barry of six or and azure.

The following is a facsimile of the signature of Lord Mowbray, Segrave, and Stourton after the termination of the abeyance of the two former Baronies, taken from a letter dated the 7th of January, 1887 :

*Sincerely yours*  
*Mowbray Stourton*

The annexed is a facsimile of the signature of his wife, Mary Margaret (Corbally), now (1898) the Dowager Lady Mowbray, Segrave, and Stourton. Unfortunately no copy of any signature of hers as Lady Stourton seems to be accessible.

*Yours sincerely*  
*M. Mowbray & Stourton*

Alfred Joseph, Lord Mowbray, Segrave, and Stourton was in the Commission of the Peace and a Deputy Lieutenant for the West Riding of the county of York.

He died at the Hôtel St. James, in Paris, of influenza and pneumonia, the 18th of April, 1893, and was buried in the vault below the Chapel at Allerton Park, the 26th of the same month. The inscription on his coffin-plate is as follows :

" Alfred Joseph  
 Lord  
 Mowbray Segrave & Stourton  
 Born 28<sup>th</sup> February 1829  
 Died 18<sup>th</sup> April 1893."

Lord Mowbray, Segrave, and Stourton, by his wife, Mary Margaret (Corbally), daughter and sole heir of Matthew Elia Corbally, Esquire, M.P., had issue as follows :

- I. The Right Honourable Charles Botolph Joseph, 24th Lord Mowbray, 25th Lord Segrave, and 21st Lord Stourton, eldest son and heir, of whom hereafter.
- II. The Honourable Alfred Edward Corbally Joseph Stourton, Captain 3rd Batt. (Militia) of the Border Regiment, second son. He was born in Clifford Street, Bond Street (at the house which is now (1898) Almond's Hotel), London, the 24th of October, 1872, and was baptized at the Church of the Assumption, Warwick Street, London. He joined the Regiment in 1892, was gazetted Lieutenant the 18th of February, 1893, and Captain the 23rd of May, 1896.
- III. The Honourable Nigel Roger Plantagenet Joseph Stourton, of Christ Church, Oxford, third son. He was born, at Allerton Park, the 9th of February, 1879, and was baptized there the 11th of the same month.





Wm. Lloyd Garrison  
Boston, Mass.  
1840







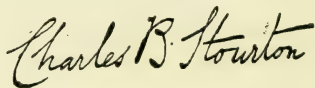
- IV. The Honourable Edward Plantagenet Joseph Stourton, fourth and youngest son. He was born at Allerton Park, the 24th of March, 1880, and was baptized there the day following.
- V. The Honourable Mary Lucy Agnes Stourton, eldest daughter. She was born at 33, Great Cumberland Place, London, on the 25th of October, 1868, and was baptized at St. James's Catholic Church, Spanish Place, in the parish of St. Marylebone, Co. Middlesex. She was married at St. Mary's Catholic Church, Cadogan Street, Chelsea, London, on the 4th of October, 1894, to Cecil Henry Maxwell Lyte, only son of Farnham Maxwell Lyte, F.C.S., F.I.C., M.A.
- VI. The Honourable Edith Matilda Mary Stourton, second daughter. She was born the 8th of April, 1870, at Houghton Hall, Co. York, and there baptized.
- VII. The Honourable Hilda Mary Stourton, third daughter. She was born at 94, Eaton Square, London, on the 16th of July, 1871, and was baptized at St. Mary's Catholic Church, Cadogan Street, Chelsea, London.
- VIII. The Honourable Alison Mary Stourton, fourth daughter. She was born at Allerton Park, the 5th of April, 1874, and was baptized there the 7th of the same month.
- IX. The Honourable Ethel Mary Josephine Stourton, fifth daughter. She was born at Allerton Park, the 1st of March, 1876, and was baptized there the following day.
- X. The Honourable Matilda Margaret Mary Josephine Stourton, sixth and youngest daughter. She was born at Allerton Park, the 23rd of April, 1884, and was there baptized the day following.

Alfred Joseph, Lord Mowbray, Segrave, and Stourton having, as already stated, died the 18th of April, 1893, he was succeeded by his eldest son, Charles Botolph Joseph, 24th Lord Mowbray, 25th Lord Segrave, and 21st Lord Stourton, the present Peer.

The Right Honourable Charles Botolph Joseph, 24th Lord Mowbray, 25th Lord Segrave, and 21st Baron and Lord Stourton of Stourton, Co. Wilts., all in the Peerage of England, heir male of the House of Stourton, being the 29th in the direct line of male succession, from Botolph "*primus Dominus de Stourton post Conquestum*," is the eldest son and heir of the late Alfred Joseph, 23rd Lord Mowbray, 24th Lord Segrave, and 20th Lord Stourton, by his wife, Mary Margaret (Corbally), daughter and sole heir of the late Matthew Elias Corbally, Esquire, M.P., and succeeded his father the 18th of April, 1893.

The present Lord Mowbray, Segrave, and Stourton was born, the 23rd of May, 1867, at 42, Portland Place, in the parish of St. Marylebone, Co. Middlesex, and was there baptized.

The following is a facsimile of the signature of Lord Mowbray and Stourton before his succession to the Peerage :

A facsimile of the signature of Charles B. Stourton, written in a cursive script. The signature is 'Charles B. Stourton'.

He took his seat in the House of Lords as Lord Mowbray the 19th of June, 1893.

Lord Mowbray and Stourton is in the Commission of the Peace, having taken the oath of qualification the 1st of July, 1895, and is a Deputy Lieutenant for the West Riding of the County of York, and is also a Deputy Lieutenant of the City and the County of the City of York, the commission bearing date the 10th of January, 1895. He formerly held a commission in the 3rd Batt. East Yorkshire Regiment (Militia), being appointed to the regiment the 11th of June, 1887, and afterwards gazetted Lieutenant. He resigned in the year 1889. He is Lord of the Manor of Flaxby, and is patron of the living of Allerton Mauleverer, but, being a Catholic, cannot present thereto. The living of Allerton Mauleverer is a perpetual curacy, and the stipend of the incumbent for the time being is a charge upon the Allerton estate.



Miss Helen M. Mearns, Boston

August 1887





He is senior co-heir to an entire moiety of the Baronies of Furnival, Strange of Blackmere, and Talbot, and a co-heir to the Baronies of Dacre of Gillesland, Greystocke, Giffard of Brimsfield, Braose of Gower, Howard, Verdon, Ferrers of Wemme and Kerdeston, and a coheir amongst the descendants of the Lords Fitz-Payne and FitzWarine,\* all in the Peerage of England and all presently in abeyance. These will be found treated separately later. As Lord Mowbray, he is placed second upon Garter's Roll of Barons, but he claims, and with good cause, to rank as Premier Baron of England (see page 705).

Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, was married at St. Mary's Catholic Church, Cadogan Street, in the parish of Chelsea, Co. Middlesex, on the 26th of July, 1893, by Herbert Cardinal Vaughan, assisted by the Very Rev. Canon J. Glover, (then) domestic chaplain at Allerton Park, and the Rev. Charles



*Arms of Stourton, and in pretence those of Haggerston, namely, "Azure, on a bend cotised argent, three billets sable."*

de la Pasture, S.J., to Mary, only child and sole heir of the late Thomas Angus Constable, Esquire, of the Manor House, Otley, Co. York, in the Commission of the Peace for the West Riding of that county, by his wife, Elizabeth Ducarel (de la Pasture), (now, 1898, residing at the Manor House, Otley, aforesaid) daughter of Henry Pierre, "Marquis de la Pasture-Verchocq, Chevalier, seigneur de Verchocq, de Wiove, de Fasques, d'Offretun et autres lieux, chef actuel des nom, et armes de cette famille,"† in the Kingdom of France.

Mary (Constable), Lady Mowbray, Segrave, and Stourton, was born at the Manor House, Otley, the 22nd of June, 1870, and was there baptized. Her father, the late Thomas Angus Constable, Esquire, resumed the surname of Constable, being the elder son of the late Charles Stanley, Esquire, by his second wife Mary, daughter of Thomas Macdonald, of Edinburgh (son of Angus Macdonald, of Gellovie, of

\* In several of the above cases no occasion has as yet arisen by which it has been established before the Committee of Privileges of the House of Lords that the reputed Baronies are heritable Peerages.

† Vide "Histoire Généalogique et Heraldique des Pairs de France, &c., &c., &c.," M.DCCCXXII., tome second.

the family of Macdonald of Keppoch), a cadet of the House of Macdonald, Lords of the Isles. The aforesaid Charles Stanley was the third son of William Haggerston Constable, Esquire, of Everingham Park, by his wife, "Lady" Winifred Maxwell, only daughter and heir of William Maxwell, who, in spite of the attainder of his father, was always known as Earl of Nithsdale. His father, the celebrated William, fifth Earl of Nithsdale, was a devoted adherent of the Stuart dynasty, and took a leading part in the Jacobite insurrection of 1715. He was taken prisoner at the battle of Preston, the 14th of November, 1715, was convicted of high treason in January, 1715-16, and was attainted and sentenced to be executed the 14th of February following. His escape from the Tower by the contrivance of his wife, Winifred, daughter of William (Herbert), first Marquess of Powis, is very well known.

The above-mentioned William Haggerston Constable, who assumed the surname of Constable, was the second son of Sir Carnaby Haggerston, third Baronet, of Haggerston Castle, Co. Northumberland (by his wife, Elizabeth, daughter and heir of Peter Middleton, Esquire, of Stockeld, Co. York), and grandson of William Haggerston, Esquire, by Anne his wife, daughter and heir of Sir Philip Constable, Bart., of Everingham. But as no regrant or exemplification of the arms of Constable was ever made to Mr. William Haggerston Constable, or to Mr. Thomas Angus Constable, the arms of the family of right remain the ancient and original arms of Haggerston. This is the reason that the arms of Haggerston (and not those of Constable) are placed (see page 721) by Lord Mowbray and Stourton upon the escutcheon of pretence which he bears in right of his marriage. But the arms of Constable, with those of Middleton and Maxwell and others, are of course amongst the many quarterings which this alliance brings into the Stourton achievement.

Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, by his said wife, Mary (Constable), only child and sole heir of the late Thomas Angus Constable, Esquire, has issue :

- I. The Honourable William Marmaduke Stourton. He was born at Allerton Park the 31st of August, 1895, and was baptized there on the 3rd of September following.
- II. The Honourable Winifred Mary Stourton. She was born at Allerton Park the 21st of August, 1894, and was baptized there the 23rd of the same month.



*Miss Mary E. H. H. H.*

*Miss Mary E. H. H. H.*



The following, reproduced from a letter, is a facsimile of the signature of Lord Mowbray, Segrave, and Stourton, since his succession to the Peerage :

*Yours sincerely  
Mowbray & Stourton*

The following, likewise reproduced from a letter, is a facsimile of the signature of Lady Mowbray, Segrave, and Stourton :

*Yrs. v. sincerely  
M. Mowbray & Stourton*

The property now (1898) enjoyed by Lord Mowbray, Segrave, and Stourton, consists of the Allerton Estate, the Rothwell Haigh Estate, and the Bonham Estate.

The Allerton Estate, the chief part of which was purchased in 1805, contains 4,016 acres, and includes the Manor of Flaxby. It is situated in the West Riding of the County of York, in the nine townships of Allerton Mauleverer with Hopperton, Whixley, Goldsborough, Flaxby, Coneythorpe, Clareton, Little Ouseburn, Thorpe-under-Woods, and Great Ouseburn, and in the five parishes of Allerton Mauleverer with Hopperton, Little Ouseburn, Great Ouseburn, Whixley and Goldsborough. The estate is situated in the Wapentake of Claro. "Claro Hill," from which the Wapentake derives its name, is actually on the estate, and is thus described in the "History of the Castle, Town, and Forest of Knaresborough, &c.," by E. Hargrove (1809):

"Opposite to Allerton-Park is a very remarkable eminence, called

CLARO-HILL,\*

the place, from whence this wapentake is denominated. It's situation is near the

\* "Clarion, trumpet. Perhaps that instrument was used here, to call the people together."

road from Boroughbridge to Wetherby. The ascent, from the base to the summit, on the north side, is 228 feet.

"Here, in saxon times, was held the *gemote*, or assembly of the people of this wapentake, for the transacting of all public concerns, relative to the district; and where, by the laws of King Edgar, every free man, in such district, was obliged to attend.

"The hundred, or wapentake courts, were, by statute of the 14th of Edward III., discontinued, and, the business, removed to the county courts."

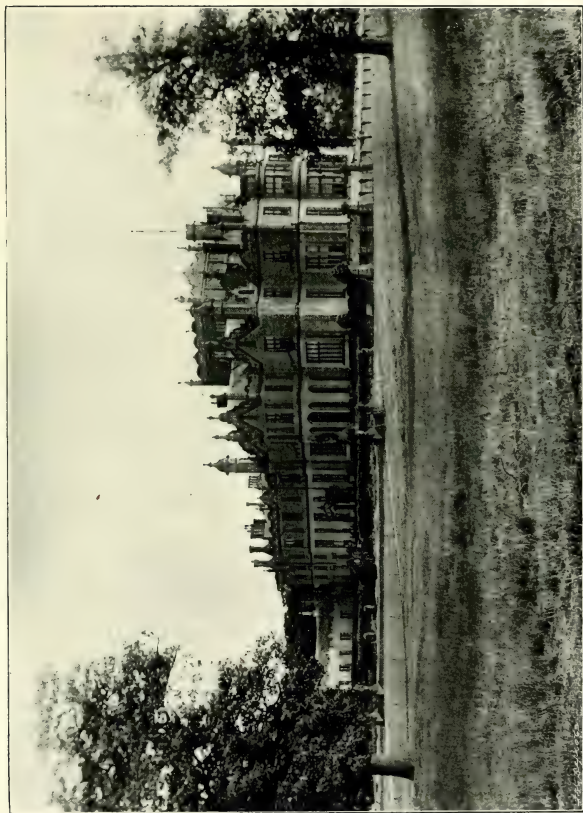
Upon the Allerton Estate is the Park and Mansion known as "Allerton Park," the seat of Lord Mowbray and Stourton. The Park contains about 428 a. 1 r. 29 p., including the fish-ponds or lakes, the area of which is about 24 a. 1 r. 0 p.; but this does not include the kitchen-gardens, which contain 5 a. 3 r. 0 p. The Park is almost entirely surrounded by a high brick wall, most of which was built about the year 1745, in the place of the former palings. The Park now (1898) contains a herd of about 140 fallow deer. The stables were rebuilt by H.R.H. the Duke of York, by whom the kitchen-gardens were laid out. The Duke of York also built the greater part of the former mansion, but one wing of the original house, the home of the Mauleverers, was still standing when the demolition of the old mansion was commenced by Charles, 19th Lord Stourton, on September 4, 1848. As has been detailed under his life, a part of the new mansion was occupied in 1852, though the terraces were not completed, or the rebuilding entirely finished, until the end of 1855.

Attached to the Mansion is the chapel, dedicated to St. Mary, originally built by Charles Philip, 17th Lord Stourton, probably between the years 1807 and 1811. As already stated, it was enlarged both by the 18th and 19th Lords Stourton. The date of the foundation of the Mission at Allerton is stated to be 1807.

The Rothwell Haigh Estate, which devolved upon the Stourton family by virtue of the provisions of a deed of gift (see page 559) in the year 1794, is situated in the West Riding of the county of York, in the township of Rothwell with Rothwell Haigh and Royd's Green, in the parish of Rothwell, and now (1898) consists of 1,295 acres. The value of this property is increased by its collieries.

The Bonham Estate is merely nominal in area, only containing 2 a. 0 r. 30 p. This contains the chapel and a part of Bonham House, which were reserved from the sale in 1785 of the Manor and Lands of Bonham for the purpose of insuring the permanence of Catholic worship. It is in Co. Somerset, and, of course, situated within the Manor of Bonham, which is a part of the parish of Stourton, and is the last remnant of the anciently extensive estates of the Lords Stourton in that part





THE MANSION ALLERTON PARK, YORKSHIRE, FROM THE NORTH-WEST.  
*From a Photograph, 1885.*







THE ARMORIAL BEARINGS OF CHARLES BOTOLPH JOSEPH,  
LORD MOWBRAY, SEGRAVE AND STOURTON.

1. Stourton, 2. Howard, 3. Mowbray, 4. Segrave, 5. Plantagenet (Thomas "of Brotherton"),  
6. Talbot, and, in pretence, Haggerston.]

of the kingdom. The acreage of the three estates altogether amounts to 5,313 acres.

As has been already stated, the quarterings which have been inherited by the Stourton family at different times are very numerous, too numerous for any regular use to be made of even a small proportion. The achievement regularly borne by Lord Mowbray, Segrave, and Stourton is as reproduced in the accompanying illustration. The technical "blazon" of this achievement is as follows :

ARMS : Quarterly of six :

1. Sable, a bend or, between six fountains proper (for Stourton).
2. Gules, a bend between six cross crosslets fitchée argent, and (as an honourable augmentation to commemorate the victory of Flodden Field) on the bend an inescutcheon or, charged with a demi-lion rampant pierced through the mouth by an arrow within the double royal tressure of Scotland flory and counter-flory also gules (for Howard).
3. Gules, a lion rampant argent (for Mowbray).
4. Sable, a lion rampant argent, ducally crowned or (for Segrave).
5. Gules, three lions passant guardant in pale or, a label of three points argent (for Plantagenet—Thomas de Brotherton).
6. Gules, a lion rampant within a bordure engrailed or (for Talbot).  
And upon an escutcheon of pretence,

Azure, on a bend cotised argent, three billets sable (for Haggerston).

MANTLING : Sable and or.

CREST : Upon a wreath of the colours, a demi-monk proper, habited in russet, his girdle or, and wielding in his dexter hand a scourge also or, thereon five knotted lashes.

SUPPORTERS on the dexter side, a lion rampant argent, ducally crowned or : on the sinister side, a sea-dog sable, finned and scaled or.

MOTTO : "Loyal je serai durant ma vie."

BADGE : A sledge.

The livery of the Lords Stourton is now of the same colours as it was when worn by their servants in those olden times when every nobleman kept a small army of retainers (who each wore his lord's badge upon his back or sleeve), ready, when called upon, to perform the stated military service to the Crown by which all land in this kingdom was then held. Until within the last few weeks it was quite unknown for how long the colours of the livery at present worn by the servants of Lord

Mowbray, Segrave, and Stourton had remained unchanged. The colours had simply been handed down and accepted from generation to generation for an unknown period. But a recent discovery in the will of "Roger Storton of Ruston, Co. Dorset, Esquire" (see pages 299 and 300), which is dated the 28th of January, 4th of Edward VI. (1550) shows beyond doubt that the present colours of the livery were already then in use. Amongst the legacies recited in the will is the following one: "John Norman, Richard Samforde, Thomas Savage, Robert Roberts, William Shall, and John Myntorn to have their liveries according to my lord's livery, which is white and black. My other servants to have coarser suits." The following is a description of the full-dress livery worn by the servants of the Lords Stourton:—The coat is of white cloth with black velvet collar, cuffs, and pocket-flaps, all edged with gold braid; yellow shoulder-pad (on right shoulder) edged with gold braid, with the badge (the sledge) of the Lords Stourton thereon in silver braid, and the coronet in gold and silver braid and red plush, and with gilt aiguillettes depending therefrom; gilt buttons with the coronet and the Stourton crest embossed thereupon. The waistcoat is also of white cloth with white cloth pocket-flaps, the buttons being the same as those upon the coat. With these are worn black plush knee-breeches with gold braid knee-bands and with gilt buckle and strap, with a tuft of gold fringe thereon. The buttons are similar to those on the coat and waistcoat. The stockings are of white cotton, and pumps are worn.

The real history of the House of Stourton has now been brought to a conclusion, the remainder of these volumes being devoted to brief notices of certain other peerages, the representation of which, having devolved upon the Stourton family, cannot be altogether overlooked. Briefly to sum up the history within these pages, it has been shown that unvarying and reiterated tradition traces the Stourton family at Stourton back to Saxon times. The recorded and unquestioned pedigrees commence with a certain Botolph, Lord of Stourton, at the date of the Conquest, and there is now contemporary and documentary evidence to show that they were landholders at Stourton in the reign of Edward I. The Barony of Stourton was created by Patent in 1448, and is now the oldest Barony by Patent in existence. From the earliest Norman times the wealth and position of the Stourton family steadily increased. They were allied by ties of blood with the Royal House of Tudor, and with many of the powerful families in whose hands lay the government of the kingdom in the reign of King Edward VI., and the House of Stourton is one of the very few English families from which Her Majesty Queen Victoria is herself actually descended. With the execution and attainder of Charles, 8th Lord Stourton, came the first in the long catalogue of reverses and misfortunes. The wealth of the family at first

slowly, then rapidly, declined, and Edward, 13th Lord Stourton, finally disposed of the whole of the landed property he had inherited, including the Castle, the Manor, and the lands of Stourton. His brother succeeded to an empty inheritance. The property which is now enjoyed by Lord Mowbray and Stourton and the other members of the Stourton family is due to a succession of fortunate marriages. Catholic in the beginning, the family is Catholic now, and this surely is a record to be proud of, when the long succession of Catholic penalties and disabilities in this country are had in remembrance. In the year 1753 there were (as far as is now known) but three lives\* between the Stourton family and its utter extinction in the male line, but happily there now seems but little probability of any such ending.

STET FORTUNA DOMUS.

\* William, 16th Lord Stourton, his brother James, and his son Charles Philip.





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THE BARONY OF MOWBRAY.

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ROGER DE MOWBRAY

LORD MOWBRAY, IN THE PEERAGE OF ENGLAND,  
SUMMONED TO PARLIAMENT BY WRIT,  
THE 28TH OF JUNE, 1283.



The Rt. Hon. Alfred Joseph (Stourton), 20th Lord Stourton, of Stourton, Co. Wilts., in the Peerage of England, having been summoned to the House of Lords by Writ dated the 3rd of January, 1878, as Lord Mowbray, the abeyance into which the Barony of Mowbray had fallen on the 20th of September, 1777, was thereby terminated, and the Barony since that date has been vested in the Stourton family.

It therefore becomes necessary to trace the history and devolution of the Barony, together with the representation of the family of Mowbray, but the account which follows must not be taken as a full or complete history of the Barony or its holders. To attempt such a task, particularly in relation to that period during which the Barony of Mowbray was obscured by the higher dignity of the Dukedom of Norfolk, would necessitate the insertion herein of a complete History of England during that time. This would be entirely beyond the limits of these pages, and the abbreviated narrative which follows is intended to be little more than explanatory of the descent and devolution of the Mowbray Peerage.

One further explanation is necessary. The Barony of Mowbray differs from the Barony of Stourton. The latter is a Barony created by Letters Patent, and, by the provisions of its Letters Patent, is definitely and unalterably entailed upon the heirs male of the body of the first Lord Stourton. The Barony of Mowbray is a "Barony by Writ" originating in and existing by virtue of the Writs of Summons from the King to attend him in Parliament. Baronies by Writ are heritable by heirs general. In the period immediately following the Conquest the title of Baron was attached to the tenure of a Barony of Land and it was by virtue of such tenure that the holders of the land were called and known as Barons. The exact status, and the privileges and responsibilities attaching to the position cannot now be stated with any large or definite measure of exactitude. Amongst these "Barons by Tenure" were those who were summoned (no doubt on account of their baronies) by the King "by writ" to attend and advise him in Parliament. These writs being usually issued in continuity to the heirs of a Baron after his death, gradually developed into the hereditary right to sit in Parliament which constitutes the chief and primary prerogative of the Peerage.

Baronies by Writ being a matter of evolution, the laws which govern them have been made by subsequent judgments of the House of Lords, the findings of which have now to be applied to cases and events which happened centuries before these judgments were pronounced. The inevitable result is that, with regard to many points concerning the abeyance and descent of Baronies by Writ particularly in early times, any decision must to a certain extent be put forward only as a matter of opinion. For example, though in the case of Ros in 1575, the doctrine was acted upon that, without any intervention of the Crown, dignities created by writ were heritable by female heirs in default of males, and though this same point was acted upon in the case of Grey of Ruthyn in 1640, it was not until 1674 that the House of Lords referred the point to the Judges to determine, when (in the case of Clifton), the matter was "more fully considered and solemnly established." And it was not until the Clifford case in 1691 that it was held and established that a Barony by Writ which might have fallen into abeyance, re-emerged on the cessation of the abeyance, being affected by such abeyance only during its existence and not permanently. The vague uncertainty which hangs around the operation of all early Baronies by Writ is, in the case of the Barony of Mowbray, rather increased by the fact that one crucial point was by the House of Lords purposely left undecided and indefinite when the Petition of Lord Stourton for the termination of the abeyance of the Barony of Mowbray in his favour was before the Committee of Privileges. The following account, however, is based upon, and is put forward as the interpretation of, the resolution of the House of Lords, which was reported to Her Majesty concerning the Barony.

But before proceeding to the consideration of the actual Peerage Barony of Mowbray, now existing in the person of Lord Mowbray, Segrave, and Stourton, it is desirable to briefly notice the early history of the Mowbray family.

ROGER DE MOWBRAY came into England with William the Conqueror, from Normandy, sharing with his leader the danger and glory of the Battle of Hastings. His name was written on the famous Roll of Battle Abbey, and will be found in every list which professes to give the names of the illustrious leaders of the invading Norman army. In the copy of the Roll now hanging in Battle Abbey his name is written "Moribray," whilst in Brompton's "*Liste des Conquerants d'Angleterre*" it is written as "Mowbray." Other authorities vary the spelling of the name to Moribray (Duchesne), and Moubray (Leland), which latter form was adopted by Hume.

This Roger de Mowbray is the first of the family in England, but in Normandy the family is believed to have been traceable for some number of generations, and to

have been of noble birth and heritage, deriving their name or designation from the Castle of Montbrai in Normandy. From the period of the Norman Conquest the family is traceable without question or shadow of doubt. Roger was undoubtedly one of the leaders of the Norman army, and was a relative of Geoffry, Bishop of Constance (sometimes written Constances, which form is adopted in the new "Dictionary of National Biography"), for we find Roger's son, Robert Mowbray, called nephew and heir of Geoffry de Constances. In recognition of Roger Mowbray's services at the Battle of Hastings, William the Conqueror granted him possession of large territories in England, to hold directly from the Crown under the feudal law of tenure peculiar to the Normans. This Roger de Mowbray is known to have had one son only, Robert de Mowbray, who by his attainment to high distinction in the reign of William Rufus, proved himself to be as highly in favour with that King as Roger, his father, had been with the Conqueror. These were the real Mowbrays, for those who adopted the name of Mowbray after the death of this Robert derived paternally from the House of Albini.

SIR ROBERT DE MOWBRAY, Earl of Northumberland, Seigneur of Basoches and Mowbray in Normandy, was the son of the above Roger de Mowbray or Montbrai, who came over with the Conqueror, and was nephew of a still more prominent follower of the King, Geoffry, Bishop of Constances. He was a prominent figure during the reign of William Rufus, and Orderic says that he engaged himself in Robert Curthose's rebellion against his father. Robert Mowbray, with his said uncle, obtained possession of the town of Bath, and of Berkeley Castle, fortifying and holding the city of Bristol. Orderic asserted that Robert de Mowbray remained loyal to William Rufus in 1088, during the war between the King and his elder brother, Robert. According to some writers, however, both Robert de Mowbray and his uncle sided against the King in favour of his brother. From Bishop Geoffry's stronghold at Bristol Robert de Mowbray marched upon and burnt Bath, ravaging western Wiltshire, making a circuitous advance over the hilly ground to the south-west, besieging Ilchester, and being repulsed on the collapse of the rising against Rufus, who, however, did not feel strong enough to punish Robert de Mowbray. Rufus, seeing that the Normans were conspiring against him, called on his subjects of the English race, meaning the Saxons, to array themselves in his defence, exciting them to this effort, as Thierry's "Norman Conquest" shows, by the promise of an alleviation of their grievances. By this means Rufus soon raised an army of 30,000 men, and marched against his enemies and took them by surprise, causing utter confusion in their ranks. Bishop Odo shut himself in his city of Winchester, then sorely pressed by the furious assaults made upon it by the King's army. When the Norman rebels

found themselves unable to further defend the city, they agreed to surrender it, provided they were allowed free egress with their arms and horses. Shortly afterwards the haughty Prelate Odo, who had blessed the Norman army at the Battle of Hastings, in which he fought, withdrew from England, never again to return. In 1091 Robert and Rufus, as brothers, concluded peace between themselves and their partisans, and William Rufus restored to the insurgent nobles all their estates which had been confiscated by their revolt. Robert de Mowbray was restored to favour, and constituted Governor or Earl of Northumberland, a post of danger as well as of honour.

Simeon of Durham shows that between 1080 and 1082 the Bishop was created Earl of Northumberland, and Dugdale and Freeman thought that a brief tenure of the Earldom by Aubrey interposed between Bishop Geoffry and the appointment of Robert de Mowbray. James Tait is of opinion that in all probability Robert de Mowbray succeeded directly to the Earldom on the death of his uncle. Courthope, in dealing with the Earldom of Northumberland, says that Aubrey, a Norman knight and noble, received the government of Northumberland in 1080, "but proving unfit for the dignity, he returned into Normandy about 1085." Geoffrey, Bishop of Constances in Normandy, had the government of Northumbria in 1085, "of whom it was said, in the year 1088, that *eo tempore* Northymbroborum consulum regebat." He died the 2nd of February, 1093. His nephew, the aforesaid Robert de Mowbray, succeeded him in 280 manors in England, and it is probable that it was at that date that he was constituted Governor or Earl of Northumberland.

Robert de Mowbray is believed to have built the Castle or Manor House of Thirsk, Co. York.

Robert de Mowbray is referred to as "Comes Northumbrensis" in a charter of King William II., in 1100, relative to the settling of certain disputes between Robert and the Bishop of Durham. He had quarrelled with William of Saint Calais, Bishop of Durham, over certain lands and territories, to which they both laid claim. The Earl revenged himself upon the Bishop of Durham by ordering the expulsion of Turchill, the Durham monk, from St. Oswine's Church, then held by the Priory of Durham, although actually standing within the bounds of Robert de Mowbray's castle of Tynemouth. Notwithstanding that the monks of Durham protested, the Earl actually deprived the Priory of Durham of St. Oswine's Church, giving it as a cell to the Benedictines of St. Albans Abbey, in Hertfordshire, whereupon the church became the Priory of Tynemouth.\* Matthew Paris, the historian of England, from the

\* Orderic Vitalis, Dugdale, Chron. Angl. Petri, Flor. de Worc., Simeon of Durham, Freeman's "Rufus," Bath. Nat. Hist. and Antiq. Club, Hist. Eccl. Dunel., Gesta Regum, Monast. Angl., Hist. Trans. S. Cuthberti, Grainge's "Vale of Mowbray," &c.



Conquest to the time of Henry III., states that Robert de Mowbray was divinely inspired in his gift of St. Oswine's Church, and the same authority believed the Priory of Tynemouth to have been founded, with the approval of Lánfranc, before 1089, although Roger de Wendover placed the date of the foundation in 1091, the year of the return from exile of William St. Calais, Bishop of Durham. Other writers have implied that the foundation was soon after the death of Paul, Abbot of St. Albans, which occurred in 1093.\* Robert de Mowbray is thought by Orderic to have been prevented from taking an active part with the other Barons in the struggle between Prince Henry and his brothers, in 1091, when Malcolm, King of Scotland, made his invasion, but there can be little room for doubt that Robert de Mowbray actually drove back the Scottish King from Chester-le-Street in May of that year, and eventually surprised and slew Malcolm, King of Scotland, near Alnwick, on St. Brice's day, the 13th of November, 1093. The Scottish King was buried by the Earl in the Priory Church of Tynemouth.† According to William of Malmesbury, King Malcolm was killed by Morel Bamborough, Earl Robert's steward, his son Prince Edward being slain with him. On the 2nd of February, 1093, Geoffrey, Bishop of Constances, died, and Mowbray inherited, as his nephew and heir, the enormous territorial estates of his uncle, numbering some 280 manors, some of which were of immense area, and thus became of great position in the country.

In 1095, Robert de Mowbray, Earl of Northumberland, conspired to transfer the Crown of England from the sons of William the Conqueror to their cousin, Count Stephen of Aumâle. The Earl commenced his insurrection by seizing, in a Northumbrian harbour, four Norwegian vessels. He refused either to give satisfaction for so doing, or to appear before the King in pursuance of a special summons, on the 25th of March, 1095, at the Easter Court at Winchester; and, although he was threatened with outlawry, he further declined to attend the Whitsun feast at Windsor, as the King had refused his request for hostages and a safe conduct. Rufus accordingly, with a force of English and mercenaries, proceeded to the North of England against his rebellious subject. He quickly captured the New Castle on the Tyne, the frontier fortress of Robert de Mowbray's Earldom, and which contained the main body of the Earl's forces, and then laid siege to Tynemouth castle, which guarded the entrance of the river. Although this was defended by Mowbray's brother, it fell after a siege of two months. Rufus advanced immediately afterwards to attack the Earl himself in his great castle of Bamborough. This was virtually impregnable, so the King built and garrisoned a tower on the land side, which he called Malvoisen, or the Evil Neighbour, and went

\* Sim. de Dur., *Hist. Eccl.*, "Monasticon," Matt. Paris, *Hist. Angl.*, and *Hist. Major*.

† Orderic, *Chron.* Petrib, *Flor. de Worc.*, Wm. of Malm., Matt. Paris, Wm. de Jumièges, *Freeman's* "Rufus," &c.

off to the Welsh War. Shortly after Rufus's departure, the Royal garrison of the New Castle drew the Earl into an ambush by a false promise to surrender their fortress, and thereupon took him prisoner. He made a temporary escape to his monastery at Tynemouth, and for six days endured a siege there, until he was wounded in the leg and dragged from the church where he had sought refuge. This disaster was regarded as his punishment from Heaven for having robbed Saint Cuthbert of the church. During this time the Earl of Northumberland's newly-married wife, Mathilda, daughter of Richer de Laigle de Aquila, by Judith, his wife, sister of Hugh, Earl of Chester, with the assistance of the Earl's nephew, Morel, had successfully defended Bamborough Castle, and it was not until her husband was led before the walls with the threat that unless the castle at Bamborough were immediately surrendered, his eyes would be put out in her presence, that she gave up the keys.\* Roger de Mowbray, Earl of Northumberland, was thereupon deprived of all his possessions and dignities, and was imprisoned at Windsor, where it is said that he languished for thirty years, until his death, having then been blind for some years. But other writers believe that King Henry allowed his prisoner to spend the last years of his life as a Benedictine monk, at St. Albans. He is said to have been buried there near the Chapter House, where Abbot Simon afterwards built the chapel of St. Simeon. The "Official Baronage" places his death in the year 1129. The wife of Robert de Mowbray, as his widow, was allowed by Pope Paschal II. to marry Nigel de Albini, probably a cousin of her husband, and the founder of the second House of Mowbray. She probably survived both her husbands, as she was living in the year 1130. But many think this wife (who is often called Maud) of Robert de Mowbray was divorced from Nigel de Albini on account of consanguinity, and that the second House of Mowbray sprang from Nigel de Albini by a second wife, Gundreda, daughter of Girald de Gournay.† Orderic describes Robert de Mowbray as "Powerful, rich, bold, fierce in war, haughty, he despised his equals and, swollen with vanity, disdained to obey his superiors," and adds: "He was of great stature, strong, swarthy, and hairy. Daring and crafty, stern and grim of mien, he was more given to meditation than to speech, and in conversation scarce ever smiled."

Freeman says that the second wife of Nigel de Albini appears both as Gundreda and as Gundreda. Their marriage took place after Tenchebrai, and as King Henry gave Nigel the castle of Mowbray (or Montbrai), and many other lands in Normandy and England which had belonged to Earl Robert, their son Roger was called Roger de Mowbray. Such a description has caused some confusion, and it may have led

\* Flor. de Worc., Henry of Huntingdon, Epist. Anselmi, Chron. Petri, Freeman's "Rufus," Hist. Trans. S. Cuthbert, Orderic Vitalis.

† James Tait, *Matt. Paris*, Malinesbury, Wm. de Jumièges, Surtees Soc., Hist. Angl., "Monasticon," &c.

some to fancy that later bearers of the name of Mowbray were paternally descended from the family of the famous Bishop and Earl of that name.

The antiquary John Weever says of the Abbey of St. Albans :

“ This Abbey Church was likewise honoured with the sepulture of *Robert Mowbray*, Earle of Northumberland : whose storie out of many writers is in this manner extracted.

This *Robert Mowbray*, a most valiant souldier, seeing his countrey destroyed, and ouerrunne euen vnto Alnewicke castle, by *Malcolme*, King of Scotland and his armie, made head against the said *Malcolme* (not staying for directions from his King *William Rufus*) and so sore and suddenly distressed his forces, that both King *Malcolme* himselfe, and his sonne Prince *Edward* were there slaine.

Hereupon this Earle growing proud, and greatly suspected by King *William*, began to fortifie the Kings Castles, with munition for Armes against the like inuasion, and indeed against the Kings will ; who sent him word somewhat roughly, to desist from his doings, and presently to repaire to his presence ; which whilest he lingered and neglected to do, King *William* sent his brother *Henry* to spoile Northumberland, and immediately followed after himselfe, where without much adoe, he tooke the Earle, and committed him prisoner to Windsor Castle.

This *Robert Mowbray* and *William* of Anco, with others, conspired to depriue the King both of Crowne and life, and to haue set vp *Stephen de Albamarle* his Aunts sonne, as Houeden and Walsingham will haue it. But I reade in an old manuscript that he fauouring the proceedings of *Anselme*, Archbishop of Canterbury, *Pro amore & bono Ecclesie innocentem vitam finiebat. Cuius anime propitiatur Deus.* As the words are. *Rex ipsum cum alijs decollari mandauit* : the king commanded that he, with others, should be beheaded ; his companion *Anco* being punished with losse both of his eyes, and his virilitie.

He died in prison, saith one writer, *In ipso Ergastulo deficiens mortuus est, regnante Henrico Rege.* Whose Lands in Normandy, as also, for the most part, here in England, the said King *Henry* gaue to *Nigell de Albeney, viro probo et illustri.*

Another writer tells vs, that he married *Maud*, the daughter of *Richerius de Aquila*, a potent man in the Conquerours dayes, and that after foure and thirtie yeares of imprisonment, hee died without issue : in these words :

*Mathildis autem potenti viro Roberto de Molbraio, Comiti Norhandumbrorum nupsit, qui eodem anno contra Willielmum Rufum Regem Anglorum rebellauit. Sed paulo post captus, fere 34. annis in carcere prefati Regis, & Henrici fratris eius sine prole consenuit.*

The same Author deliueis his marriage thus in another place :

*Robertus ut fines suos undique dilataret & ditissimis contubernaliis affinitate potentum sibi copulatis robustior ardua tentaret; Mathildem generosam virginem Richerij de Aquila duxit quæ neptis erat Hugonis Cestrensis Comitis ex sorore nomine Judith.*

And in the said page, he sets downe his character, and the number of the Lordships which he possest here in England, with his great power and riches, thus :

*Robertus Rogerij de Molbraio filius potentia diuitijsque admodum pollebat; audacia et militari feritate superbus pares despiciebat, & superioribus obtemperare, vana ventositate turgidus, indignum autumabat. Erat autem corpore magnus, niger et hispidus: audax & dolosus, vultu tristis ac seuerus. Plus meditari quam loqui studebat, et vix in confabulatione ridebat. Hic nimirum cclxxx villas in Anglia possidebat.*

This man of this high spirit and ample possessions, became in the end to bee a shorne Monke of this Monastery, as you may reade in the Catalogues of Honour; wherein hee died, *Ann.* 1106. To whose memory a Monke of his order made this Epitaph. Which he caused to be engrauen vpon his Monument, vpon the North side of the Vestrie where he was interred :

*Vir probus & fortis quem virtus nescia mortis  
Condecorat, cista iacet hic Robertus in ista;  
Cui dat cognomen Moulbraia nobile nomen.  
Norhandunbrorum comes fuit; hic Monachorum  
Dux erat optatus, prudens, pius, & peramatus;  
Hic Monachus fidus, hic Martis in agmine sidus,  
Exijt à terris, huius mundi quoque guerris,  
Anno milleno Domini centenoque seno  
Quarta die Februi. Pax sit eique mihi. Amen."*

With the death of Robert de Mowbray, Earl of Northumberland, the original House of Mowbray came to an end.

NIGEL DE ALBINI was, according to Courthope's "Historic Peerage," the first Baron Mowbray "by tenure," and was the younger brother of William de Albin, of Pincerna, whose descendants were styled Earls of Arundel. Nigel, who was a famous warrior, had considerable estates in Leicestershire, and some manors in Warwickshire and Buckinghamshire, at the date of Doomsday, and greatly increased his lands by the steady support he gave to William Rufus and Henry I., and by his first marriage with Mathilde de Laigle, widow of Robert de Mowbray, Earl of Northumberland. He was the ancestor of the second House of Mowbray, which descended from his second wife, and which lasted in the direct male line for four centuries, until the death, in 1476, of John (de Mowbray) Duke of Norfolk. Nigel de Albin was nephew to Robert de Mowbray, whose sister was the mother of Nigel as shown later in the tabular pedigree. Nigel de Albin, however, subsequently repudiated his first wife Mathilde, on the plea of consanguinity, alleging that Robert de Mowbray, Earl of Northumberland, her former husband, had been related to him. Nigel de Albin married, secondly, Gundreda, daughter of Gerald de Gournay, in Normandy, by whom he had issue Roger de Albin, or de Mowbray. The lands of Nigel de Albin which were not much added to until the fourteenth century, lay in the Midlands and in Yorkshire. The chief of the two groups of lands consisted of those held at the date of Doomsday by Geoffrey de Wirce in Warwickshire, Leicestershire, and Northamptonshire, with the Isle of Axholme in Lincolnshire, which latter ultimately became the centre of the Mowbray power, lying half-way between their lands in Warwickshire and Leicestershire and those in Yorkshire. These last stretched in a great crescent from Thirsk Vale near to which lies the valley still called by the name of the "Vale of Mowbray," to Kirkby Malzeard and the sources of the Nidd, with the outlying castle of Black Burton, in Lonsdale. They were forfeited by Robert de Stuteville, Baron of Frontebœuf, who fought on the losing side at the battle of Tenchebrai, and were conferred by King Henry on Nigel de Albin, who had remained a loyal adherent. When the Stuteville descendants at a later date sued for the recovery of their heritage, they laid claim not only to the Yorkshire estates, but to Axholme and other lands which had undoubtedly belonged to Geoffrey de Wirce, so that it is not unlikely that the latter's possessions came into the hands of Nigel de Albin, as part of the Stuteville forfeiture. Although there is no direct evidence that the second House of Mowbray was founded on the English estates of the first, it, however, is always stated that they secured some if not all of the lands of the first house of Mowbray, both in England and in Normandy,

including perhaps the honour of Montbrai itself. Nigel de Albini was buried in the Priory of Bec, of which he is said to have been a monk before his death. Grainge, in his history of the Vale of Mowbray, after showing that Roger, son of Nigel, although a minor, was one of the chief barons who joined Thurstan, Archbishop of York, in 1138, and sent the entire force he could muster into the field against David, King of Scotland, who had then invaded the North of England with a numerous army in aid of the Empress Matilda, against King Stephen, says that Thirsk Castle (to which point the Saxon Englishmen had advanced) was at this time a place of considerable importance, and the frequent, if not the chief, place of residence of its noble owners. He proceeds to say that it was while residing here in 1138, during her son's minority, that the Lady Gundrea entertained twelve fugitive monks from the Abbey of Calder. They had departed from the Abbey of Furness, in Lancashire, about four years previously, with the intention of settling at Calder, and were commencing to rear the buildings of their new home, when their labours were laid waste by the fury of the invading Scots. The cruelty and devastation that marked the progress of the Scottish army were so great that, for the first time since the Conquest, Normans and English were unanimous in resisting a common enemy. The monks fled to the parent Abbey of Furness, but were denied admittance. They then determined to seek advice and assistance from Thurstan, Archbishop of York; and, while journeying with this intent, with nothing but their clothing and a few books in a wain drawn by oxen, they arrived near the Castle of Thirsk, where they were met by the seneschal of the Lady Gundrea, who, admiring their deportment and commiserating their wretched state, inquired of Gerald, the Abbot, the cause of their misfortunes. On learning their story, he entreated them to dine that day at the table of his mistress. The Abbot and his monks readily agreed, and the little procession moved towards the castle. The lady, sitting in an upper apartment, saw through a window the wretched condition of these holy men, and burst into tears; she was, however, so much edified by their demeanour and simplicity that she kept them with her and caused all their wants to be bountifully supplied. She forbade their departure, and undertook to find them both a place of abode, and the means of subsistence. As it was not convenient for them to travel with her from manor to manor with her household and servants, according to the custom then prevailing, she sent them to her uncle, Robert de Alneto, who had been a monk at Whitby, and was living as a hermit at Hode, afterwards Hood Grange, near Sutton-under-Whitstone-cliff, where she caused them to be well and honourably maintained until about two years later, when her son Roger inherited his lands, A.D. 1140, and gave them large possessions as will be shown later.\*

\* James Tait, "Nicolas' Hist. Peer.," Orderic Vitalis, "Monast. Angl.," Domesday, Hoveden, Dugdale, Rot. Cur. Reg., Rot. Scacc. Norm., Stonehouse's "Axholme," Wm. de Jumièges, Eytton's "Salop," Pipe Rolls., Grainge's "Vale of Mowbray."



ROGER DE ALBINI, afterwards ROGER DE MOWBRAY, Baron Mowbray, according to Courthope the second Baron Mowbray "by tenure," was son and heir of the aforesaid Nigel de Albin. Aldred of Rievaulx places his birth between 1120-25, and Roger, whose original name was de Albin, assumed the surname of de Mowbray at the command of Henry I. or Stephen. Most authorities say it was by the command of King Stephen, of which King Roger was a ward during his minority.

With relation to this change of name, the following extract from "Surnames and Sirenames," by James Finlayson, may be of interest. Speaking of changes of name by Royal command, he says, "The first instance occurred in the year 1106. Nigel de Albin, who (according to the register of Furness Abbey, was bow-bearer to Rufus and Henry I.), at the Battle of Trenchbray dismounted Robert, Duke of Normandy, and brought him prisoner to the King. Henry gave the lands of the attainted Robert Moubray, Earl of Northumberland, 'in Normandy and England, to Nigel, as a reward for his great services and bravery,' and 'by the special command of King Henry,' he and his posterity were commanded to 'assume the surname of Moubray' (Dugdale's 'Bar.,' vol. i., p. 122), which they accordingly did, and retained the same as long as the issue male continued, which determined in John Moubray, Duke of Norfolk, in the time of King Edward IV., whose heirs were married into the families of Howard and Barkley. Nigel de Albin was a Moubray maternally."

Whilst there is no reason to doubt the fact of this Royal command, for which we have the specific authority of Dugdale, it should at the same time be remembered that surnames in those days were more of the nature of territorial descriptions, and were not necessarily stationary or hereditary. Consequently, it would have been rather unusual if Nigel, after having come into possession of the estates of Robert de Mowbray, and particularly of the Castle de Montbrai, in Normandy, from which the original Mowbrays derived their description, had not assumed the designation of "de Mowbray."

Aldred of Rievaulx relates that Roger de Mowbray, when but a boy, was taken by the Barons to the Battle of the Standard, and that they carefully avoided exposing him to any danger. Three years afterwards, Roger is said to have been taken prisoner with King Stephen in the Battle of Lincoln. Roger was then



probably living with his mother, Gundrea, or Gundreda, at Thirsk, under whose guidance he became a generous benefactor to the Church. Grainge says he was a benefactor to no fewer than thirty-five religious houses. Extensive as were his possessions, his liberality in disposing of them, especially to the Church, was as great. In 1138 he and his mother sheltered the monks of Calder, flying before the Scots. Roger gave them a tenth of the victuals of the Castle, and, on their forming themselves into a convent subordinate to Savigny, in the Diocese of Avranches, in 1143, Roger de Mowbray bestowed upon them his villa of Byland-on-the-Moors. When the monks of Byland Abbey found their first site inconvenient, and intolerably close to Rievaulx Abbey, whose bells they could hear all day long, Roger de Mowbray, in 1147, when the Abbey became Cistercian, granted them a new site, some eight miles to the south, near Coxwold. In the course of his long life Roger made many additional gifts to the Abbey, amongst which was the great forest of Nidderdale. But, "being a frugal man, and, so to speak, the standard-bearer of liberality among the magnates of the land," Roger did not confine his generosity to a single object. As early as 1145 he joined his relative, Sampson de Albini, in the foundation of the great abbey of Austin Canons at Newburgh, not far from the second site of Byland Abbey. Roger endowed Newburgh with land and with the church of Thirsk, together with fifteen other churches and chapels on his Yorkshire estates; while Sampson de Albini, with Roger's consent, gave to Newburgh Abbey the churches of Masham and Kirkby Malzeard, with four others in the Isle of Axholme, and that of Landford, in Nottinghamshire. About the same time Roger gave some of his lands in Masham to the Earl of Richmond's infant foundation of Jervaulx in Wensleydale, which, in 1150, was affiliated to Byland Abbey and the Cistercian Order. Roger de Mowbray was also a generous benefactor to the abbeys of Fountains, Rievaulx and Bridlington in Yorkshire, Kenilworth in Warwickshire, and Sulby in Northamptonshire, besides giving to the Church of St. Mary in York the ninth sheaf of all his corn throughout England. He doubled his father's endowment to the Priory of Hurst, in Axholme, while in Normandy he gave all his lands in Granville to the Abbaye des Dames at Caen, when his daughter became a nun there. Altogether, Roger de Mowbray has been credited with founding no less than thirty-five monasteries and nunneries. When Roger de Mowbray came of age, his lands were of vast extent. The two hundred and eighty manors of Robert, Earl of Northumberland, with the inheritance of which Roger is usually credited, formed but a small portion of his patrimony. Grainge says that, "In the neighbourhood of Thirsk, he was owner of the castles of Slingsby and Gilling, while on the western side of the vale which bears his name, stood the strong Castle of Kirkby Malzeard; so that his possessions extended from the eastern to the western Moor-

lands, from the Hambleton range to the crest of the Lesser Whernside, above the springs of the river Nidd; a domain sufficient to satisfy the most extensive wants, and gratify the greatest ambition; and yet this formed but a fragment to the whole." Whitaker, the quaint historian of Richmondshire, says the House of Mowbray had four principal seats and manors: (1) Thirsk, with the smaller ones of Upsall and Kirkby Knowle, together with that lovely and fertile plain to this day denominated "the Vale of Mowbray"; (2) the Castle of Kirkby Malersert, with the Barony of Masham, in Richmondshire, and Kirkby Malersert, which stretches from the eastern confines of Masham, by Middlesmore, in Netherdale, to Hebden, in Craven; (3) the Castle of Black Burton, in Lonsdale, with the wapentake stretching from the north-west point of Craven to the confines of Westmorland, and (4) Eppleworth Castle, with the Island of Axholme. Grainge estimates the forest of Nidderdale alone to have comprised a district of 27,000 acres. The churches Roger de Mowbray gave to Newburgh included Coxwold, Cundall, Hovingham, Kilburn, Kirkby Moorside, Kirkby-on-the-Moor, Silton, Thirkleby, Thirsk, Welburn and Wimbleton—a long list of ecclesiastical benefices to be given away, says Grainge, by one man to one place. In his "History of Thirsk," Grainge recites the foundation charter. In an old ballad on the Battle of the Standard, or Cowton Moor, the Scottish King, David, is supposed to be looking at the array of the English army, and the following questions regarding its leaders are put into his mouth to be answered by a traitorous Englishman:

"And who's yon chiefe of gigante heichte,  
And of bulke so huge to see?"

"Walter Espec is that chiefe's name,  
And a potente chiefe is hee."

"Hys stature's large as the mountaine oake,  
And eke as strong hys mighte:  
There's ne'ere a chiefe in alle the northe  
Can dare with hym to fighte."

"And whoo's yon youthe, yon youthe I see,  
A galloping o'er the moore?  
Hys troopes that followe soe gallantely  
Proclayme hym a youthe of pow're."

"Young Roger de Mowbray is that youthe,  
And he's sprang of the royal line;  
Hys wealthe and hys followers, oh kyng,  
Are allemost as greate as thynne."

"And who's yon aged chiefe I see,  
All yclad in purple veste?"  
"Oh that's the Bishoppe o' th' Orkney isles,  
And hee alle the hoste hath bleste."

These historic lines relate to the time when Roger de Mowbray, then but a youth, was sent, as we have already seen, with the whole force of his wide domains into the field. But it is recorded by some that he himself took no active part in the battle, and probably went, as a youth, to be properly tuitioned in leadership in the field,

in order that, when occasion required, he might take command of his own forces. In 1164-67, Roger de Mowbray went over to Normandy to defend his title to the Castle of Bayeux, which had been given to him by Stephen when that King had dubbed him knight, and while in Normandy Roger is said to have been present, in company with Odo II., Duke of Burgundy, at a General Chapter of the Cistercian Order at Citeaux, where he was able to serve the interests of his Abbey at Byland. St. Bernard was then preaching the second Crusade, and Roger de Mowbray was apparently induced to accompany Louis VII., for, in one of his charters, Roger mentions the subject of a second journey to the Holy Land, which, it is thought, can hardly have been the one that he made at the very end of his life. Roger was probably absent from England in January, 1164, for it was his son, Nigel, whose name was attached as a witness to the Constitutions of Clarendon; and perhaps in 1166, when his men answered for him the King's inquiries as to the number of knight's fees on his estates. It appears from this return that in Yorkshire alone he had eighty-eight fees of the old feoffment, and eleven and three-quarters enfeoffed since the death of Henry I. Roger de Mowbray's inclination to the Crusading movement is evident from his gift to the Knights Templars of Balshall, in Warwickshire, at which place they located one of their preceptories, and of Keadby-on-Trent, and other lands in Axholme and elsewhere. The Order, in return, gratefully conferred on him and his heirs the privilege of releasing any Templar who might be found under sentence of public penance, no matter what the offence. The Knights Hospitallers, when they obtained most of the forfeited lands of the Templars, solemnly renewed this privilege to Roger's descendant, John de Mowbray and his heirs, on the 20th of March, 1335, with the addition that the Lords of Mowbray should be treated in their convents beyond the seas as those to whom they were most indebted next to the King himself. At Burton, near Melton Mowbray, in Leicestershire, Roger founded, perhaps with the assistance of a general collection, a dependency of the great leper hospital of St. Lazarus outside the walls of Jerusalem, which became the chief of all the leper-houses in England. To this day the village is called Burton Lazars.

In 1174, immediately after Easter, Roger de Mowbray and his two sons, Nigel and Robert, joined the formidable coalition which had taken up arms against the King in the previous summer. Roger hastily fortified his castle of Kinnardferry, on the Trent, in Axholme, which had been suffered to fall into disrepair, and strongly garrisoned his two Yorkshire strongholds of Thirsk and Kirkby Malzeard. His defection was one of the most dangerous elements of the situation, for these three fortresses linked the rebel Earls in the Midlands with the King of Scotland, who was then reducing the border fortresses of Northumberland and Cumberland, while Thirsk

and Kirkby Malzeard blocked the way through Yorkshire to any Royal army sent against the Scots. Geoffrey, then Bishop-elect of Lincoln, who was the King's warlike bastard son, gathered a force in Lincolnshire, and crossed the Trent, laying siege to Kinnardferry, which was then defended by the younger son, Robert de Mowbray. Although the Castle of the Island, surrounded by the waters of the Fen, was almost impregnable, the lack of water within its walls compelled the defenders to surrender in a few days, on the 5th of May. Robert de Mowbray escaped, although shortly afterwards he was captured, on his way to Leicester, by the rustics of Clay Cross. After demolishing the Castle of Kinnardferry, the Bishop of Lincoln advanced into Yorkshire, and, reinforced by Archbishop Roger and other forces, besieged the Castle of Kirkby Malzeard, six miles north-east of Ripon, and captured it with little trouble. He entrusted it to the care of Archbishop Roger, and proceeded to attack Thirsk, which was closely invested. A rival fortification had been erected at Topcliffe, two miles and a half away, the garrison being under a member of the family of Stuteville, with whom Roger de Mowbray had had a long-standing feud. Roger, according to William of Newburgh, betook himself to William, King of Scotland, whom he found besieging Prudhoe-on-Tyne. The King of Scotland promised Roger de Mowbray help on condition that the latter assisted in the invasion of Yorkshire. In pledge of the fulfilment of this arrangement Roger gave his eldest son, Nigel, as hostage. But, on hearing that Yorkshire was rallying round Robert Stuteville, the Sheriff, William of Scotland recrossed the Tyne and retreated northwards, accompanied by Roger de Mowbray. The latter, according to Jordan Fantosme, had left the defence of his castles to his sons, Nigel and Robert, and on joining the King of Scotland soon after his entry into Northumberland, had assisted him in the siege of Carlisle and the capture of Appleby, and other towns. However this may be, Roger was with the Scottish King when he was overtaken and captured by Stuteville and the Yorkshiremen, at Alnwick, on the 13th of July, but Mowbray himself escaped into Scotland. He came back, however, on the 31st of July, when the rising in the Midlands had collapsed, accompanied by other rebels, and met King Henry at Northampton. He surrendered Thirsk, and was received back into that King's favour, but, early in 1176, King Henry ordered the demolition of the castles of Thirsk and Kirkby Malzeard, of which not a stone is now left.

The position of Roger de Mowbray in Yorkshire was thus greatly weakened, and Robert de Stuteville probably seized this opportunity to urge his old claim for the restitution of the lands of his ancestor Fronteboëuf, then held by Roger de Mowbray, who had to compromise by relinquishing possession of Kirkby Moorside. Probably after the destruction of Thirsk Castle, Roger de Mowbray selected the Manor of

Epworth and Westwood in the Isle of Axholme, with its natural defences, as his chief place of residence.

Roger de Mowbray married Alice or Adeliza de Gant, believed to have been a kinswoman (perhaps a daughter) of Gilbert de Gant, Earl of Lincoln, who died in 1156. She was the mother of Roger's two sons, Nigel and Robert, who have been already referred to.

Roger de Mowbray witnessed Henry II.'s arbitration between Alfonso of Castile and Sancho of Navarre on the 13th of March, 1177, and in 1179 he met, at Doncaster Assizes, Ranulf Glanvill and the other five judges, then sent on the Northern Circuit by Henry II. In 1186, for the third time, he journeyed to the Holy Land to fight in the Crusades. When the extension of the truce between Saladin and Guy de Lusignan allowed the Crusaders to return home, Roger de Mowbray, with Hugh de Beauchamp, chose to remain at Jerusalem in the service of the Cross. Roger was taken prisoner in Saladin's great victory, on the 6th of July, 1187, but was redeemed in the following year by the Knights Templars, but did not long survive his liberation. Some writers say he was buried at Tyre, although others state that Mowbray, wearying of these wars, returned to England, slaying on his way a dragon, which was fighting with a lion, in a valley called Sarranell, whereupon the lion in its gratitude followed Mowbray to England, to his castle of Hode, near Thirsk, and that, fifteen years later, he died at a good old age, and was buried in the Abbey of Byland. It is not unlikely that this legend was invented in later years to account for the rampant lion upon the shield of Mowbray.

NIGEL DE MOWBRAY, Baron Mowbray, described by Courthope as the third Baron Mowbray "by tenure," was the eldest son and heir of Roger de Mowbray, Baron Mowbray, whom he succeeded, by his wife, Alice, or Adeliza, de Gant, or Gaunt. In the old genealogy before referred to he is called "*Filius Rogeri de Molbray, primogenitus fuit Nigellus de Molbray qui si successit.*" Grainge says he "succeeded to his father's possessions, but does not appear to have taken any prominent part in public affairs, as we find no mention of him in history." It is, however, recorded of him that he was one of the witnesses to the recognition made by Henry II., in 1164, of the customs and liberties of the people, and that he was present at the Coronation of Richard I. He joined the Crusades, and died, during his voyage to the Holy Land, in the Greek Sea, and was there buried in 1191. He married Mabel, daughter of Edmond, or Roger, Earl of Clare. "*Hic Nigellus uxorem, cepit Mabiliam, et genuit ex ea quatuor filios, Willielmum, Robertum, Philippum, et Rogerum.*" He was succeeded by William, his eldest son and heir.\*

\* Aldred of Rievaulx, "*Monast. Angl.*," Dugdale's "*Baronage*," James Tait, *Rich. de Hexham*, John of Hexham, "*Eng. Hist. Review*," Neustria Pia, Archbishop Becket, Nichol's "*Leic.*," Hearne, Eytton, Benedict of Peterborough, Hoveden, Diceto, Walter of Coventry, Giraldus Cambrensis, Surtees Society, Stubbs's "*Constit. Hist.*"



WILLIAM DE MOWBRAY, Baron Mowbray, described by Courthope as fourth Baron Mowbray "by tenure," was the eldest son of Nigel de Mowbray, Baron Mowbray, by Mabel, his wife, daughter of Edmund, or Roger, Earl of Clare. He had livery of his lands in 1194 on payment of a relief of £100, and was immediately called upon to pay a similar sum as his share of the scutage levied towards King Richard's ransom, for the payment of which he was one of the pledges. William de Mowbray witnessed the treaty with Flanders in 1197, and, when Richard I. died, and John delayed in his claim to the Crown, William de Mowbray was one of those Barons who seized the opportunity to fortify their castles. Like the rest, however, he was induced to swear fealty to King John by the promises which Archbishop Hubert Walter, the Justiciar, Geoffry FitzPeter, and William Marshall, made in the King's name. He appears to have been exempted from the scutage which was raised early in 1200. William de Stuteville renewed the old claim of his house to the Frontebœuf Lands, which had passed into the possession of the Mowbrays, thus ignoring the compromise which had been made by his father with Roger de Mowbray. William de Mowbray supported his own suit by a present of 3,000 marks to King John, who, with his Great Council, dictated a new compromise, by which Stuteville was required to accept nine knights' fees, and a rent of £12 in full satisfaction of his claims. By this award William de Mowbray and de Stuteville were reconciled at Louth, at a country house of the Bishop of Lincoln, on the 21st of January, 1201. In 1215, William de Mowbray was prominent among the opponents of King John, and, with other North-Country Barons, he appeared in arms at Stamford in the last days of April.

William de Mowbray was one of those Barons of the Realm who overawed the Crown, and wrested from the King the famous declaration of the rights and liberty of the subjects in this country which is familiar to everyone by the name of "Magna Charta." To this Charter William de Mowbray set his seal amongst the others, and he was one of the celebrated twenty-five Barons appointed to enforce the observance of its provisions, and as such William de Mowbray was specially named amongst those who were excommunicated by Pope Innocent. Courthope adds, "Roger de Mowbray, a younger brother of this Baron, ought, perhaps, to be ranked among the Barons of this period, as he is generally considered to have been another of the celebrated twenty-



five Barons appointed to enforce the observance of Magna Charta, though some writers call him Roger de Montbezou. This Roger de Mowbray died s. p." This point is by no means certain, however. Roger de Mowbray died about 1218, and his brother, William de Mowbray, succeeded to his lands.

In 1217, when William de Mowbray was taken prisoner at the Battle of Lincoln, his estates were bestowed on William Marshal the younger; but William de Mowbray redeemed them by the surrender of the Lordship of Bensted, in Surrey, to Hubert de Burgh, before the general restoration in September of that year, and in 1221 William de Mowbray assisted Hubert de Burgh in driving William of Aumale from his last stronghold at Bytham, in Lincolnshire. William de Mowbray founded the Chapel of St. Nicholas with a chantry, at Thirsk, and was a benefactor of his grandfather's foundation at Newburgh, where, on his death, at Axholme, about 1222, he was buried. The Pipe Roll for 8th Henry III., for Yorkshire, has an entry: "Et d' ti p' relev' suo 't p' h'n'd sais' om'iu' t'raz 't tenem'toz un' Will's de Mowbray p'r suus cuj' h'es ip'e; saisit' fuit die q<sup>d</sup> obiit," and there are other entries in which Robert de Mowbray is mentioned. This William de Mowbray, in the sixteenth-century recension of the "*Progenies Moubrayorum*," is said to have married Agnes, a daughter of the (second) Earl of Arundel, of the branch of the Albinis, and by her he had two sons, Nigel and Roger. This authority shows Nigel to have predeceased his father, and both Nicolas and Courthope accept this as correct, although Dugdale refers to documentary evidence, showing that Nigel had livery of his lands in 1223, and did not die at Nantes till 1228, when Roger, his brother, who only came of age in 1240, was his heir.\*

Accepting the evidence which was adduced in the Mowbray Peerage Case, it is found that this Baron Mowbray was described in the Close Roll for 17th John, relating to the convention between that King and William de Mowbray, and other Barons of England, as to the keeping of the Tower of London, as "Will'm' de Mobrai"; while the Close Roll for 7th Henry III., relating to a direction for the payment of messengers sent to the Bishop of Winchester, to the Earl of Arundell, to William de Mowbray, and to the sheriffs of several counties, for 3rd December, describes him as "Will'm' de Moubrai." There can be little doubt that these are entries of the payments to messengers for the delivery of Writs of Summons to Parliament. As it has been proved that a Parliament was held in that year, Lord Stourton's counsel urged this very strongly. Had this view been accepted, it would have established the fact that William de Mowbray was a Lord of Parliament. The entries were not held, however, to afford sufficient evidence. The Fine Roll for 8 Henry III. records that, on the 25th of March, seizin had been given to "Nig'llus de Mobrai" of the lands of his father, "Will's de Mobrai." William de Mowbray was therefore succeeded by Nigel, his eldest son and heir.

\* James Tait, Rog. Hoveden, Matt. Paris, Dugdale, Nicolas, Courthope, Royal Letters Henry III., &c.

NIGEL DE MOWBRAY, Baron Mowbray, who would therefore appear to be the fifth Baron Mowbray "by tenure," eldest son and heir of William de Mowbray, Baron Mowbray, had seizin of his father's lands as previously mentioned, on the 25th of March, in the eighth year of the reign of Henry III. In the old genealogy of the Mowbray family before referred to there are two entries concerning him: "idem Willielmus de Molbray genuit Nigellum et Rogerum," and "Nigellus verò duxit in uxorem filiam Rogeri de Canevilla; obiit apud Nauntys, absque hærede, et sepultus est apud Novum Burgum." The Pipe Roll for 8 Henry III. has "Nigell' de Moubray r' qp' de xxxiiij<sup>li</sup> vii<sup>s</sup> 't vj<sup>d</sup> de scut' Wall' p' Nigell' avo suo sic' qt' in R' xiiij<sup>o</sup> R' J. Eborac'." The Fine Roll for 18th Henry III., as adduced in evidence in the Mowbray Peerage Case, clearly shows that there was a grant to the Earl of Lincoln, on the 7th of April of that year, of the wardship and marriage of Nigel's younger brother, Roger de Mowbray, as his brother and heir, "q' fuit Nigilli de Mubay 't custodia 't maritag' Rog'i Mubay f'ris 't h'edis ip'ius Nigilli." There was also adduced in evidence a grant, enrolled on the Close Roll for 25 Henry III. (dated at Westminster, on the 20th of May), of seizin to Roger de Mowbray of Nigel's lands, "Rex cepit homagiu' Rog'i de Mubray f'ris 't h'edis Nigilli de Mubray.' Thus it is incontrovertibly proved that he left no issue by his wife Maud, daughter and heiress of Roger de Canevil. The marriage is proved by the entry above from the old Mowbray genealogy, which records his death at Nantes, in Brittany, and his burial at Newborough Priory about 1228. Dugdale's statement that he died after his father is therefore correct. He was succeeded by his aforesaid brother and next heir Roger de Mowbray.

ROGER DE MOWBRAY, of the Isle of Axholme, Co. Lincoln, Baron Mowbray, described by Courthope as fifth (but apparently the sixth) Baron Mowbray "by tenure," second son of William de Mowbray, Baron Mowbray, was one of the Barons appointed by Henry III. to command the army in Scotland. Being then of full age, he had seizin of his brother Nigel's lands on the 20th of May, 1240, and did his homage. His custody, wardship, and marriage had been previously given to the Earl of Lincoln, on the 7th of April, 18th Henry III. Roger de Mowbray attended the King at Chester, Worcester, and Shrewsbury, and fought against the Welsh. He does not appear to have been of such prominence in the affairs of the kingdom as some of his progenitors, and the records contain but little concerning him. He married Matilda, daughter and co-heir of William de Beauchamp, of Bedford. Her second husband, Roger le Strange, enjoyed her estates during his life. In the Patent Roll for 50 Henry III. there is an entry of an Assize of Novel Disseisen by Robert de Beltoft, against "*Matild' que fuit ux' Rog'i de Munbray'.*" By his wife, Matilda, Roger de Mowbray had six sons: (1) Roger, his successor, (2) Robert, (3) Andreas, (4) John, (5) Edmund, and (6) William. He died at Axholme in 1266, and was buried at Pontefract. Lord Stourton's Counsel in the Mowbray Peerage Case suggested that the fact of his dying in 50th Henry III. seemed to show that he was killed at the Battle of Evesham. The Patent Roll for the year 1266, which was produced in evidence in the Mowbray Peerage Case, contains a grant to Matilda de Mowbray, widow of Roger de Mowbray then deceased, dated at Guildford on the 27th October then instant, "*Matill' de Mubray que fuit ux' Rog'i de Mubray defuncti,*" relating to the Castle of Bedford, with the appurtenances, held of the King in chief. Roger de Mowbray was succeeded by his eldest son and heir, Roger de Mowbray, Baron and Lord Mowbray.

I. ROGER DE MOWBRAY, of the Isle of Axholme, Co. Lincoln, Baron Mowbray, and a Lord of Parliament "by Writ," in the Peerage of England, one of the most considerable Barons of the North, was the son and heir of Roger de Mowbray, Baron Mowbray, by Maud his wife, daughter and co-heir of William de Beauchamp, of Bedford, and the grandson of William de Mowbray, one of the twenty-five Barons appointed to enforce the provisions of Magna Charta. Roger de Mowbray, who succeeded his father, also a Roger de Mowbray, in the 50th year of Henry III., was the first Baron Mowbray admitted by the Committee of Privileges of the House of Lords as proved to have been a LORD OF PARLIAMENT, and with him therefore the Peerage Barony of Mowbray is held to have commenced, and from him the Lords Mowbray must be numbered. There is little doubt that some, at all events, of his predecessors, had been summoned to advise the King in Parliament; there is no doubt whatever that his ancestors were accounted and were Barons, and were considered and were addressed by the Crown as Barons, whatever that rank and its privileges and position may then have been.

The Barons existing before the reign of Henry III. are usually referred to as "Barons by tenure," for the simple reason that there is no record of any writ to prove that there were Lords of Parliament before that reign. In fact, the word "Parliament" has not been traced in the records further back than the 26th of Henry III., but many instances can be quoted in which the earlier legislative assemblies are styled Parliaments in subsequent Acts of Parliament and later records, and there can be little doubt that the legislative assemblies from the latter part of the reign of King John were, in fact and in law, Parliaments of England, and consequently that the Earls and Barons of the realm were the Lords of the Parliament of England. So that, perhaps, it would be more correct, in drawing a distinction between Barons by tenure and Lords of Parliament, to relegate the former to the period prior to the latter part of the reign of King John.

It would be difficult to say with exactitude concerning the earlier Barons whether each particular Baron was accounted as of that rank by virtue of any specific Barony of land as the modern use of the term "by tenure" would lead one to believe. In fact, it would be a hazardous undertaking to say exactly when, how, or why each particular Barony originated in those days. The term "Baron" was apparently applied to a man who held Land from the Crown "in barony," but a Barony was a matter of rank

of no little consideration, and carried with it both privileges and responsibilities: and it is pretty much a matter of certainty that every Baron was a large landholder. Barons of those days do not appear to have necessarily possessed by virtue of their Baronies the right to *claim* a Writ of Summons from the King to advise him and sit in Parliament, and it has been decided by the House of Lords that these so-called Baronies by tenure do not constitute heritable Peerages.

From amongst the Barons of his Realm, the King summoned "by Writ" apparently those whom he chose to advise him in Parliament. But there are, however, proved cases of Lords of Parliament who were not Barons, or in other words who did not hold their lands "in Barony." It is these "Writs of Summons" which in later times have been held to have made the Barons, who received them, Lords of Parliament and hereditary Peers, and to have conferred the hereditary privilege of claiming a summons to Parliament, now the chief prerogative of the Peerage, but in those days a duty arbitrarily enforced by the Crown upon its subjects which was by no means universally considered as a privilege. It is highly improbable that in those days the "Writs of Summons" were then intended or considered to be of any such creative nature, and it is a significant fact that even to the present day the Writ of Summons issued to each Baron is addressed to him as "Chevalier," *e.g.* (as will be seen in the facsimile of the Writ dated January the 3rd, 1878), "Alfred Joseph Stourton de Mowbray, Chevalier." Probably the summons was issued to the Baron in consequence of the Barony and lands he held by tenure of military service to the Crown, and undoubtedly there was something of this nature of landed tenure originally attached to a Writ of Summons, for, by Letters Patent entered on the Patent Roll of the 26th of Edward III. (f. 1, m. 22), the Abbot of Leicester and his successors were excused from any attendance in Parliament, the Letters Patent reciting that the lands of the Abbey were not held in Barony, and that none of the predecessors of the Abbot had been summoned to the Parliaments before the 49th year of Henry III., when Simon de Montfort summoned all the Abbots and Priors of England to the Parliament then held.

That the predecessors of Roger de Mowbray, the first admitted Baron "by Writ," had been Barons of the Realm was demonstrated beyond doubt during the hearing of Lord Stourton's petition. Roger de Mowbray was one of the Barons of England who witnessed the Award made by Henry II., in 1177, between Alphonso, King of Castile, and Sancho, King of Navarre. Eight Earls were witnesses to the Award, "and of the Barons of England, Richard de Luci, William de Vesci, Odo de Umfraville, Robert de Valle (Vaux), Roger de Mumbray, Robert de Stuteville, Philip de Chimay, and Roger Bigot."\* The Close Roll of the

\* Rymer's "Fœdera," vol. i., part i., fol. 34.

17th of King John contains a convention between King John of the one part and various people on the other, including Richard, Earl of Clare, Geoffrey, Earl of Essex and Gloucester, Roger Bigot, Earl of Norfolk and Suffolk, and others, "t barones subsc̃ptos scil' W. Maris' juniorem Eustach' de Vescy Will'm de Mobray," &c. The Close Roll of the 7th of Henry III. contains a direction for the payment of messengers sent to the Bishop of Winchester, the Earl of Arundell, the Sheriffs of counties, and others, including Will'm de Moubrai, for the journey to whom the messenger was paid "vj*d.*"\* The payments were for delivering the King's Letters, or Writs, and it appears that the King in that year purposed to hold, and did hold, a Parliament, or, as a legislative assembly was then called, a "Great Council," which was adjourned from Oxford to London; and it was submitted that there could be no reasonable doubt that the letters sent by the messengers were the Writs of Summons to the Peers and Writs for the election of Knights to attend that assembly.

A Parliament was held in the 44th year of Henry III. By letters written from St. Denis, in France, on the 24th of January in that year, the King commanded that no Parliament should be called until he returned to England (Close Roll, 44th of Henry III., f. 2, m. 4). On the same Roll is an entry (m. 16 D.), of which the following is a translation: "Be it remembered that on Thursday next before Easter the Lord W. Merton (the Chancellor) received the Mandate of H. le Bygot the King's Justiciar of England in these words—H. le Bygot the King's Justiciar of England to his beloved and special friend the Lord W. de Merton greeting as to himself. We have received the Mandate of our Lord the King on this Wednesday before Easter in these words—Henry by the Grace &c to Hugh le Bygot Justiciar of England, Greeting. We command you that you cause to be summoned all those whose names are inserted in the Schedule enclosed in these presents that they be at London in three weeks from Easter day with the services which they owe to Us to hear there Our command and to do that which shall be required of them on Our behalf. And as you regard Our honour this you are in no manner to omit. Witness Ourself at St. Omer the 27th day of March in the forty-fourth year of Our Reign. And therefore we command you on behalf of the Lord the King that on sight of these letters you cause Writs of the Lord the King to be made by which all persons named in the said Schedule, which we send enclosed in these presents to you, may be commanded that they be at London at the time aforesaid as is aforesaid and that you cause the same Writs to be sent without delay by Messengers of the Chancery, as is the custom, seeing from love for us that this business be so done that we shall not have to blame you for want of energy or for mistrust. Given at Windsor Park on the Wednesday

\* Sixpence nowadays would not defray the expenses of a messenger very far upon his journey from Westminster.



aforesaid. Let the Schedule be kept as secret as possible." A copy of the Schedule is then entered upon the Roll. Besides Earls, Bishops and Abbots, ninety-nine persons are named, and Roger de Mowbray and Nicholas de Segrave are two of them. After the Schedule is a memorandum that the Writs were written, signed and despatched. But it is not admitted by the House of Lords that this constitutes sufficient proof of the existence or the creation of a valid and hereditary Peerage Barony. But there is not, and never has been, any question or doubt about the fact that the earlier de Mowbrays were Barons of the Realm. The difficulty is that there is no evidence of the fact that they or any others were Lords of Parliament.

To establish a hereditary Peerage "Barony by Writ," it has been laid down by the Committee of Privileges of the House of Lords that it is essential that proof shall be made of the issue of a Writ of Summons to Parliament, and *also* that proof shall be made that the person who was summoned or his heirs did actually sit in Parliament.

Were the records, which are still accessible, in anything like a perfect state, many points of controversy would be immediately at an end. Unfortunately, they are far from being so. In the printed "Mowbray Peerage Case" the whole of the accessible facts relating to the early Parliaments are recited at length, and the state and nature of the available records are set forth in detail. Perhaps it is well to recapitulate the subject fully, as it is intimately interwoven and involved in the claim put forward by the Lords Mowbray to be the premier Barons of England.

There are no enrolments of Writs of Summons to Parliament in regular succession previous to the 22nd Edward I., although the Writs of Summons for Parliaments held in the 49th Henry III., and in the 11th Edward I., are enrolled. The Parliament of the 49th Henry III., although called in the King's name, was in reality called by Symon de Montfort, Earl of Leicester, whilst he detained that King as his prisoner, and the only Peers summoned to it were those who espoused the Earl's cause against the King. From entries on the Close Roll of the 7th Henry III. of payments made to messengers for delivering letters close to certain Earls, Bishops and Abbots, and to persons who, by subsequent evidence, can be shown to have been Peers at that time, and to the Sheriffs of several counties, it would appear that a Parliament was held in that year.

The Rolls of Parliament commence only in the reign of Edward I., and they contain no list of the Peers, but merely prove their attendance in Parliament when they were appointed on Committees, or did some other act recorded in the Rolls. The Rolls of Parliament, and the Fine and Close Rolls for the 3rd of Edward I., and the Close Roll for the 6th of Edward I., prove that Parliaments were held in the 3rd,



the 6th, and the 18th of Edward I., although no Writs of Summons for those Parliaments are enrolled. The Journals of the House of Lords are continuous only from the 28th of Henry VIII., but Journals for the Parliaments held in the 3rd, 6th, 7th, and 25th years of that reign are preserved.

Owing, therefore, to the state of the Records, it is impossible to prove that any nobleman held the position of a Lord of Parliament in the earlier periods of our parliamentary history by the same species of evidence that can be obtained to establish that fact in later times, and it is certain that the Writs of Summons of the 49th of Henry III. do not show who were then the Peers of the Realm, inasmuch as Simon de Montfort, Earl of Leicester, summoned to the Parliament which he called only those Peers who were friendly to his cause. The greater number of the Peers were then in open arms against him on the King's behalf in other parts of the kingdom, and only five\* Earls, including the Earl of Leicester himself, and only eighteen† Barons, were summoned by the Writs which he compelled the King to issue. Most of the Peers summoned by Simon de Montfort were declared traitors after the Battle of Evesham, but many were allowed to compound for their estates. The enrolments of Writs of Summons which are preserved previous to the close of the reign of Edward II., and probably until later, do not therefore afford evidence of the creation of Peerages, although they afford evidence that the persons summoned as Barons were in fact Peers, and the difficulty of determining whether the Writs sent to the Barons were sent to them in virtue of a pre-existing title as a Peer of the realm, or for the purpose of creating them new Peers, is greatly enhanced by the usage which prevailed during the reigns of Edward I. and Edward II., and even much later, of not summoning to Parliament Peers who were employed in the King's service abroad, or in Scotland or Ireland. The appearance of the names of some Peers, and the absence of the names of others, which others can be shown by subsequent evidence to have been Peers at that time, in the enrolments of the Writs of Summons for the reigns of Edward I. and Edward II., and for the early part of the reign of Edward III., do not therefore afford any sufficient proof of the precedence to which the successors of those Peers were entitled.‡

The difficulty lies in proving that a proper Parliament was held, that a Writ of Summons was issued, and that the recipient of the Writ sat in Parliament. When it can be proved that the Peer had never received a prior Writ, which in a case of later times is possible, the first Writ is held to have *created* the hereditary Peerage. The most ancient Baronies are in a different position. Baronies like those of

\* There were eleven other Earls who were *not* then summoned.

† In the Writ of the 24th of June, 23 Edward I. (1295), eleven Earls and fifty-three Barons were summoned.

‡ Extracted from the case presented on behalf of Alfred Joseph, 20th Lord Stourton, of Stourton, Co. Wilts, on his petition for the termination of the abeyance of the Barony of Mowbray.

Mowbray and Segrave existed undoubtedly at the earliest date for which the necessary records can be obtained, so that it would be incorrect to say that the Baronies were *created* by the Writs of which evidence can now be produced. They are *proved* by these Writs, and it should be noted that in the Resolutions of the House of Lords regarding the Baronies of Mowbray and Segrave, when reporting concerning them, the word "proved" is used, and not the word "created."

The unfortunate fact, however, remains that the precedence of a Barony appears nowadays to be only allowed from the date of the first proved and admitted Writ of Summons.

The first Writ extant of any summons to Parliament, as has been already stated, is that of 49 Henry III., 24th of December, 1264, but very little can be gathered from it, as it does not contain the names of one-third part of the Baronial body, and though the Writ was issued in the King's name, the King himself was a prisoner to Simon de Montfort. In this Writ the number of lay Peers summoned was but twenty-three, namely: the five Earls of Leicester, Gloucester, Norfolk, Oxford, and Derby, and eighteen Barons, viz., Camoys, St. John, Le Despencer, FitzJohn, Munchensi, Segrave, Vescy, Basset de Drayton, Hastings, Lucy, Ros, D'Eyville, Newmarch, Colville, Marmion, Bertram, Basset de Sapcote and Gaunt. It will be seen that Segrave is included in this Writ, whilst Mowbray is not, though there can be no doubt that Roger de Mowbray, at all events, was a Lord of Parliament before that date. But at the hearing of Lord Stourton's petition it was definitely held in the decision on the claim to the Barony of Segrave that no Peerage can be considered to have been constituted by this Writ of 1264, which was issued in rebellion. The point was argued very fully in the Mowbray and Segrave Peerage Case, which is now accepted as the test case upon the point. Counsel for Lord Stourton admitted the Writ to be faulty, but strenuously endeavoured to get it allowed, not as valid for the creation of a Peerage, *but as evidence of the fact that the Barony of Segrave was then existing and had been already and previously created*, and that Nicholas de Segrave was at that time a Lord of Parliament. But the Parliament of 1264 was a bad Parliament, and everything that was done or enacted therein was subsequently avoided by the Dictum or Award of Kenilworth, which was pronounced in a Parliament assembled after the Battle of Evesham, and the House of Lords (in 1897) declined to admit the Writ of Summons therefor either as constituting the Peerage or as evidence of the existence of the Peerage. It had previously been admitted in the cases of De Ros and Le Despencer, so that the decision of 1877 is decidedly contradictory.

The next Writ of Summons is that of the 28th of June, in the 11th Edward I.

(1283), to the meeting or Parliament at Shrewsbury, to consult on the state of Wales. Upon this Writ the names of both "Nicho' de Segave" and "Rog'o de Moubray" appear. The House of Lords held that the Barony of Mowbray and the Barony of Segrave were *proved* by this Writ, and take precedence therefrom and of that date. In this Writ Segrave is placed above Mowbray, and both above De Ros. In the Vascon Roll of the 22nd of Edward I., which contains Writs of Summons addressed to various Peers, the name of "Rog'o de Moubray" is placed first.

The next admitted Writ of Summons to a proper Parliament after the Writ of 1283 was the Writ of the 24th of June, the 23rd of Edward I. (1295), to which Writ the precedence of the Baronies of Mowbray and Segrave had usually been assigned prior to the hearing of the Mowbray and Segrave Petition, which was the first occasion upon which the Writ of 1283 was admitted. Of the fifty-three Barons summoned to this Parliament, but five of their Baronies now exist, namely : 1, Mowbray (which is placed second, Wake being first); 2, De Ros (which is placed sixth); 3, Hastings (which is placed twenty-third); 4, Le Despencer (which is placed twenty-sixth); 5, Segrave (which is placed twenty-eighth). The anomalous Barony of Bergavenny was then vested in the Barony of Hastings.

As has been above stated, it was in 1877 definitely decided that the Writ of 1264, being issued in rebellion, *could not create a Peerage*, and this undoubtedly, bearing all the facts in mind, is the only reasonable conclusion that can be arrived at. In spite of the fact that Nicholas de Segrave is included in the Writ of 1264, the Barony of Segrave was consequently referred to the later Writ of 1283. But this decision of the House of Lords *is in direct contradiction* of their decision in 1604 (when the Barony of Le Despencer was called out of abeyance by patent in favour of Dame Mary Fane, and confirmed to her with such pre-eminence as Hugh le Despencer, Justiciar of England, summoned to Parliament [1264] 49th Henry III., enjoyed) and in 1806 (when the Barony of De Ros was allowed as proved by the Writ of 1264). The point is simply this, that if the Writ of 1264 is allowed for Le Despencer and De Ros, it ought of necessity to hold equally for Segrave; but if denied to Segrave, it is utterly anomalous that it should have been allowed to Le Despencer and De Ros.

There are two other Writs for the year 1295, and in all three Writs (though the numbers of Peers summoned vary) the above order of the five Baronies is strictly adhered to, Mowbray invariably being the first of the five. Ros of "Helmeſt" is only summoned to the first Parliament, and Hastings only to the first and second. That the placing is not haphazard is evidenced by the fact that in the three Writs the same order is preserved for the whole of the Barons upon the list in so far as they

were summoned. In the Writ of the 24th of Edward I. the order is somewhat changed, but Mowbray is at the head of all the existing Baronies. The same remark applies to the Writ of 25th of Edward I., and, moreover, in neither of these Writs does De Ros appear. In the Writs which follow there is evidently not the slightest attempt to preserve any specified order of precedence. But the manner in which the more ancient Barons of England were ranked in Parliament, as well before as after the Act of the 31st of Henry VIII.—the Act for placing the Lords—most clearly proves that the title of the ancient Peers to precedence did not depend upon, and was not determined by, the dates of the first Writs of Summons on record directed to their respective ancestors.

It has been proved that Roger, Lord Mowbray, was a Baron, and that his ancestors were Barons before him. That Roger, Baron Mowbray, his father, was a Lord of Parliament there can be very little doubt, and it has been proved and admitted that Roger, Lord Mowbray, was summoned to Parliament by the *very earliest* Writ which, according to the decision of 1877. could be held to create or be proof of a hereditary Peerage. The Lords Mowbray have always claimed to be premier Barons of England. In 1640, when Lord Mowbray was summoned to Parliament in his father's Barony, "the said lord Mowbray was brought to his place at the upper end of the Barons bench." In 1670 Lord Berkeley petitioned for higher precedence than he enjoyed. Lord Delawarr "desired that his counsell might be heard to oppose the said clayme of the lord Berkeley And the Earle of Berks desired that the Duke of Norfolk's counsell might be also heard concerning his clayme of precedency as Lord Mowbray Whereupon the lord Berkeley of Berkley declared in the house that his clayme of precedency is only relating to the lord Delawarr lord Awdley and lord Abergavenny but not to the Duke of Norfolk as lord Mowbray to whom he quitts any pretence of precedency." In 1677 Lord Henry Howard was summoned to Parliament in his father's Barony of Mowbray, and, according to the Journals of the House of Lords, "there being question whether his lo<sup>p</sup> should sit in and enjoy the ancient place of the lord Mowbray the journal booke of the house of Peeres was produced wherein it did appeare that on the 16th day of Aprill 1640 Henry lord Mowbray grand-father to this Henry lo. Mowbray was introduced and placed at the upper end of the Barons bench Also many presidents were vrged of the like nature.

And after a full consideration thereof the house ordered that the said lord Mowbray should be called in and introduced and placed in the place of his grand-father as lord Mowbray at the upper end of the Barons bench."

This was accordingly done. Of the two Baronies wrongly (according to the

1877 decision) dated from the Writ issued in rebellion in 1264, the Barony of Le Despencer was vested in the Earls of Westmorland in 1640, 1670, and 1677. But the Earl of Westmorland, unlike those who objected on behalf of the Duke of Norfolk, entered no protest to Lord Berkeley's claim. The Barony of Ros was vested, in 1640, in Katharine, Dowager Duchess of Buckingham, and in 1670 and 1677 in George, Duke of Buckingham, her son. Like the Earl of Westmorland, he raised no protest to Lord Berkeley.

So that whilst there was then, as far as is now known, no direct conflict between the Barons Mowbray and De Ros, it seems highly probable that both the Earl of Westmorland and the Duke of Buckingham acquiesced in the precedence given to the Barony of Mowbray, as the premier Barony of England. It is worthy of note also that on the Garter Plate of this Henry, Lord Mowbray (when Duke of Norfolk), placed in his stall at his installation in 1685, as a Knight of the Garter, he is described as "primier Duc, Comte, & Baron D'Angleterre," the Duke of Buckingham (who then possessed the Barony of de Ros), being actually at that time himself a Knight of the Garter. It is worthy of comment, moreover, that of the eighteen Barons summoned by the Writ of 1264, the Baronies of (1) Le Despencer, (2) Segrave, (3) Hastings, (4) Ros—ranking in that order in the Writ—are still in existence, and of these four the Barony of Mowbray now admittedly takes precedence of two. None of these, however, were on the roll of Barons in 1677, but in 1640 Lord Mowbray was placed above Lord Abergavenny. The "Additional Case" of Lord Stourton thus sums the matter up: "It is therefore with confidence submitted that the places in which the more ancient Barons of England were ranked from time beyond memory, the Journals affording evidence of such prior usage, as well as the decisions of the House of Lords when called upon to decide questions of precedency, clearly establish that the dates of such early Writs of Summons as are on record did not form or constitute the grounds on which precedency was held or allowed, and that the omission of the name of any Peer in the earlier records of Writs of Summons affords no evidence against his right to be placed above any of the Peers named in them, and if that of a Peer can by competent evidence establish that his Ancestors were Barons of the Realm, and had had place by usage above the Peers named in such earlier Writs, then that he is entitled to rely upon such usage and to take his place in accordance with it; and the Petitioner therefore submits that the ranking of Lord Mowbray in 1640 and 1678 is in no manner affected by the fact that his Ancestor was not named amongst the Peers who were called by De Montford during his Usurpation of the Royal authority to the Parliament which he summoned in the 49<sup>th</sup> of Henry the Third."

Therefore Lord Mowbray, Segrave and Stourton emphatically asserts that he is of right entitled to be, and claims to be, ranked as, Premier Baron of England.



The Writ of the 28th of June, 1283, being the earliest admitted proof that the Barons Mowbray were Lords of Parliament, the hereditary Peerage Barony of Mowbray has to be computed from that date, and its holders numbered from this Roger de Mowbray, Baron Mowbray, an admitted Lord of Parliament.

There was a charter dated at Westminster, in 1270, and enrolled on the Close Roll of 54 Henry III., of the marriage of Roger de Mumbray, then aged nineteen years, son and heir of Lord Roger de Mumbray and Matilda, his wife, with Rose, daughter of Matilda de Clare, Countess of Gloucester and Hertford, two of the witnesses being Lord Gilbert de Clare, Earl of Gloucester and Hertford, and Thomas de Clare. A grant of seisin was made to Roger de Mowbray, then of full age, as son and heir of Roger de Mowbray, dated at Westminster the 7th of November, 6th of Edward I., in which year the same was enrolled, as evidenced by the Close Roll produced at the hearing of the Petition, which recorded "R'cepit homagiu' Rog'i de Munbray fil' 't hered' Rog'i de Munbray defuncti de omnibz t'ris 't ten' que idem Rog'us pat' suus tenuit de d'no H rege p're R' in capite," &c. In the next year, 7 Edward I., there was another grant of like seisin to Roger de Mowbray, as son and heir of Roger de Mowbray, dated at Dunnamoney, on the 23rd of March then instant, in which year the same was enrolled, as evidenced by the Close Roll. The Welsh Roll of 11th Edward I., which was also produced, contains a Writ of Summons, amongst many others, to "Rog'o de Moubray," on the 28th June, 1283, the Writ by which the Peerage was proved. Further, there was produced the Assize Roll for Leicester, in Michaelmas Term, 12th Edward I., which contained an amercement upon Roger de Mowbray, the entry being "Baro'. D. Rog'o de Moumbray p' f'lo clam' . . ." This was adjourned, he being a Baron, and the De Banco Roll of 20th of Edward I. proves that on the 20th of October, in Trinity Term then instant, Rog'o de Moubray was not amerced, owing to the fact that he was a Baron. Counsel for Lord Stourton, the petitioner, contended before the House of Lords that the Justices had no power to amerce a Baron, and that when a Baron was found guilty of an offence for which he was liable to an amercement, the case was adjourned to the King's Court for the purpose of fixing the fine. Lord Stourton's Counsel strongly urged that inasmuch as the Earls and Barons should not be amerced but by their Peers and after the manner of their offence, those entries treating Lord Mowbray as a Baron were, in his opinion, complete proof that he was a Baron at the time they were made. This was practically admitted, but proof was still lacking that he was a Lord of Parliament as well. The Vascon Roll for the 22nd of Edward I. was also produced in evidence, as has been stated, to prove that a Writ of Summons was addressed to "Rog'o de Moubray," from Westminster, on the 8th June in that year ;

likewise the Close Roll for the 23rd of Edward I., showing that three similar Writs of Summons were addressed to him, on the 23rd June, 1st October, and 2nd November in that year, as "Rog'o de Mubray," "Rog'o de Moubray," and "Rog'o de Moubray," respectively. The Close Rolls for 24th and 25th Edward I. contained two similar Writs of Summons, addressed to him as "Rog'o de Moubray," and "Rog's de Moubray," on the 26th of August, 24th of Edward I., and the 26th of January, 25th of Edward I. Grainge says that about the 10th Edward I. Lord Mowbray entailed all his lands and lordships, in the County of York, upon himself and the heirs of his body, and, in failure of such issue, upon Henry de Lacy, Earl of Lincoln, and his heirs. From a Charter of 1295, 24th of Edward I., is extracted "Rex concessit Rogero de Mowbray liberam warrennam in Thresk and Hovingham, Com' Ebor'."

Roger, Lord Mowbray, died at Ghent, in the 25th year of Edward I., 1296-97, and his body was brought to England and buried in Fountains' Abbey. By Rose, his wife, daughter of Richard de Clare, Earl of Clare, Gloucester, and Hertford, by Maud, or Matilda, daughter of John de Lacy, Earl of Lincoln, he had a son and heir, John de Mowbray. His Inquisition Post Mortem, the warrant for which was issued on the 23rd of November, in the 26th of Edward I., proves that "Joh's de Moubry fil' p'd'ci Rog'i de Moubray p'pinquior heres ejus est 't fuit ad f'm Decolaçōis Sēi Joh'is Baptist ann' r' R'. E'. xxv etat' xiiij annor'." In an Inquisition taken at York the 8th of May, in the 29th of Edward I., of the knights' fees, church livings, &c., of this Roger de Mowbray, Lord Mowbray, it was found that at the time of his death the total annual value of the same was £300 1s. 8d. By an Inquisition taken at Thirsk, the ninth day after the Feast of St. Barnabas, in the same year, it was found that the total of his knights' fees in Yorkshire amounted to £373. He was succeeded by his son and heir, John de Mowbray.



II. JOHN DE MOWBRAY, second LORD MOWBRAY "by Writ of Summons" in the Peerage of England, was the son and heir of Roger de Mowbray, Baron Mowbray, the first admitted Lord of Parliament. He was born the 2nd of November, 1286, and had livery of his father's lands on the 1st of June, 34th of Edward I., as is proved by the Close Roll for that year, the entry upon which is as follows: "*Licet dil'c'us 't fidel' n'r Joh'es de Moubray filius 't heres Rog'i de Moubray defuncti qui de nobis tenuit in capite nondum sit plene etatis,*" &c. He received a summons to the coronation of King Edward II., by Writ dated the 18th of January, 1st of Edward II. The Close Roll for that year also proves that he had three Writs of Summons addressed to him to sit among the Barons in the first, second and third Parliaments, viz., (1) on the 26th of August in the same year, as "*Joh'i de Moubray*"; (2) on the 19th of January following, as "*Joh'i de Moubray*"; and (3) on the 10th of March following, as "*Joh'i de Moubray*." It was also proved in evidence, at the hearing of Lord Stourton's Petition, that John de Mowbray had Writ of Summons to Parliament, on the 25th of August, 12th Edward II., as "*Joh'i de Moubray*," as enrolled on the Close Rolls for that year, and the Parliament Roll shows that "*Mons' Joh'n de Moubray*," was present in that Parliament among the Barons who transacted business in that year, "*apud Eboracum a die S'c'i Mich'is in tres septimanas anno regni sui duodecimo, d'ni regis Edwardi filii regis Edwardi.*" The next and last Parliament to which he was summoned was on the 15th of May, in the 14th year of Edward II., as proved by the Close Roll for that year, in which he was addressed as "*Joh'i de Moubray*."

Roger de Mowbray, Lord Mowbray, the father of this John, Lord Mowbray, had entailed, in 1282, his lordships of Thirsk, Kirkby-Malzeard, Burton in Lonsdale, Hovingham, Melton Mowbray, and Epworth, with the whole Isle of Axholme, upon the heirs of his said son's body, with remainder to Henry de Lacy, Earl of Lincoln, and his heirs. Roger, as has been already stated, having died at Ghent in 1297, John, Lord Mowbray, succeeded at the age of eleven years, and the King immediately granted his marriage to William de Braose, Lord of Brember, in Sussex, and Gower, in Wales, who married him, in 1298, at Swansea, to Alice, or Aliva, the elder of his two daughters and co-heirs. With the inheritance of Gower went Brember and other Sussex manors.

As the result of this marriage the senior representation of the Barony of Braose of Gower devolved upon the House of Mowbray, for with the death of William, Lord Braose of Gower, the direct male line came to an end. The Barony of Braose, or Braose of Gower, as it is more generally known, was a Barony by Writ, its creation being assigned to the Writ of the 8th of June (1299), 22 of Edward I. At the death of William de Braose, the first Lord Braose, without male issue, the Barony, by most modern Peerage writers, is, according to the presently accepted theory of the descent and devolution of Baronies by Writ, held to have fallen into abeyance between his daughters and their heirs, from which it has never apparently been called out by any overt act of the Crown, and from which it has therefore never emerged. The Barony of Braose of Gower was, however, subsequently assumed, whether rightly or wrongly, both by the families of Mowbray and Howard, Dukes of Norfolk, and also by the Lords Berkeley, all of whom, however, were strictly speaking, but co-heirs. The Barony and its possible devolution will be discussed later in the pages devoted to that Peerage.

In June, 1301, John de Mowbray, Lord Mowbray, was summoned to attend Edward, Prince of Wales, to Carlisle, and five years later he served throughout the last Scottish expedition of Edward I., who, before starting, gave him livery of his lands, though he was not then of age, and dubbed him knight, together with the Prince of Wales, and some three hundred other gentlemen of noble families, at Westminster, on Whitsunday, the 22nd of May, 1306. After attending the King's Coronation, Lord Mowbray was sent to Scotland in August, a command repeated every summer for the three following years. In 1311 Lord Mowbray succeeded to the lands of his grandmother, Maud, who had inherited the best part of the lands of her father, William de Beauchamp, of Bedford, her share including Bedford Castle. In the great crisis of the reign Lord Mowbray was faithful to the King, possibly through jealousy of his neighbour, Henry de Percy, who had disputed Lord Mowbray's right to the custody of the Forest of Galtres, outside York. He was Sheriff of Yorkshire in 1312-13 and was Governor of the City of York. He was Warden of the Scottish Marches. As Governor of the County and City of York, Lord Mowbray was ordered on the 31st of July, 1312, to arrest Henry de Percy for permitting the death of Gaveston, and on the 15th of August, in conjunction with the Sheriff, to take the city into the King's hands, if this were necessary. In 1314 he again took his part in the Scottish War, and there was not a summer from that year until 1319 that he was not called upon to do service to the King against the Scots. He greatly distinguished himself in the Scottish Wars, even in his minority. Doubtless he was the John de Mowbray who was a warden of the Scottish Marches in the year of Bannockburn, and one of the four "*capitanei et custodes partium ultra Trentam*" appointed in January, 1315, on the recommenda-

tion of a meeting of northern Barons at York. Lord Mowbray, in 1315, was reimbursed for the expense to which he had been put for the defence of Yorkshire, when he was Sheriff, by a charge of 500 marks, on the revenues of Penrith and Sowerby in Tyndale. In 1316 he was ordered to array the commons of five Yorkshire wapentakes for the Scottish War, being, in 1317, appointed Governor of Malton and Scarborough. But, in 1320, the inheritance by his wife of the lands of Gower involved Lord Mowbray in a dispute with the King's powerful favourites, the Despensers, which proved fatal alike to him and to others.

On the hearing of Lord Stourton's Petition there was adduced in evidence an Inquisition, taken at Cremelyn "in Marchia de Gower die Sabat' p'x' post festu' Sēi Dionis'" 13 Edward II., showing certain alienations of lands and tenements in the Lordship of Gower, which had been made by William de Braose, Lord of Gower, and his ancestors. On the Inquisition of William de Braose, taken at Steyning, Sussex, before William de Weston, Escheator of the Lord King in Co. Sussex, on the 12th of June, 19th Edward II., Aliva, wife of John de Mowbray, and John de Bohun, son and heir of James de Bohun and Joan his wife, were found to be his next heirs and of full age. The said Joan was the younger daughter and co-heir of William, Lord Braose. William de Braose had made a special grant of his Lordship of Gower, in the Marches of Wales, to Lord Mowbray and his wife Alice, his elder daughter and coheir and their heirs. But the King's favourite, Hugh le Despenser, the younger, was desirous of adding Gower to his neighbouring Lordship of Glamorgan, and when Lord Mowbray entered into possession without the formality of the license of the King, Despenser insisted that the fief was thereby forfeited to the Crown, and induced the King to take proceedings against Lord Mowbray. But the Earl of Hereford and the other great Lords-Marchers, whose interests were threatened by Despenser, upheld Lord Mowbray's contention that the King's license had never been considered necessary in the Marches. Despenser scoffed at the law and customs of the Marches, and hinted that those who appealed to them were guilty of treason. The situation, which was strained in the October Parliament of 1320, became acutely critical in the early months of 1320-21, when the discontented Barons withdrew to the Marches, and on the 30th of January the King issued Writs to twenty-nine Peers, including John Lord Mowbray, forbidding them to assemble for political purposes. In March the Barons had entered and harried Glamorgan, but before the final breach the Earl of Hereford persuaded the King to allow him to enter into a contract with Lord De Braose to take possession of the fief in dispute, for the benefit, as he said, of his nephew, the Prince of Wales, though there are many different versions given of this dispute. Lord Mowbray was summoned to the Parliament of 1321, which condemned the Despensers to exile; and he received a pardon on the 20th of August, together

with the Earl of Hereford, and the other leaders of the insurrection. But the King took up arms in the Autumn, and on November the 12th forbade Lord Mowbray and others to assemble at Doncaster. In January, 1321-22, the King overcame Roger, Lord Mortimer, whilst the northern Barons still lingered over the siege of Tickhill, in which Lord Mowbray took a part, whilst his men did much damage in the neighbourhood. He then accompanied the Earl of Lancaster in his southward march, and in his retreat from Burton-on-Trent to Boroughbridge. Lord Mowbray fought in the battle of Boroughbridge on March the 16th, and was taken prisoner by Sir Andrew Harcla. The Earl of Hereford was slain; and the Earl of Lancaster and Roger de Clifford, Lord de Clifford, were taken prisoners. On the 23rd of March, the day following the trial and execution of the Earl of Lancaster at Pontefract, the Lords Mowbray and De Clifford were condemned by the same judges, and were executed and hung in iron chains at York; and it was long before the King and the Despensers would suffer the body of Lord Mowbray to be removed from the gallows. A tradition still current in the Vale of Mowbray in Grainge's time (1859) was that Lord Mowbray, after the Battle of Boroughbridge, attempted to escape to Upsall, then held by his retainers, but was overtaken and seized in Chophead Loaning, between the town of Thirsk and Upsall; that an ash-tree growing there was cut down, and part of the trunk extemporized into a headsman's block, and that the unfortunate Baron was beheaded by one of the enemies' soldiers who had pursued him. According to this tradition, his armour was torn from his body and suspended on the branches of a neighbouring oak-tree; and though both oak and armour have disappeared, yet during the witching hour of midnight the creaking gyves may be heard as if yet swinging on the branches, when the east wind blows from the heights of Black Hambleton. In spite of the execution no attainder followed. Lord Mowbray's son and successor had livery of his father's lands. Lord Mowbray had supported the rebellious Prior of the cell of Bynham against Abbot Hugh. At the hearing of Lord Stourton's Petition the Inquisition taken on the death of John de Mowbray was produced in evidence, from which it appears that it was taken at Gouteby, in Co. Leicester, on the 20th of June, 1st of Edward III., "*Qui dicu't sup' sacr'm suu' quod Joh'es de Moub'ry tenuit in d'nico suo ut de feodo die quo obiit maner' de Melton' Moub'ry et Ffreyby in d'co com' de d'no reg' in capite,*" &c.; "*It'm p'd'ci jur' dicu't q'd Joh'es de Moub'ry fil' d'c'i Joh'is defuncti e' p'pinquior heres ejusd' Joh'is defuncti; It'm dicu't q'd id'm Joh's filius et heres d'c'i Joh'is nup' defuncti fuit etatis xxj<sup>o</sup> ann' cir<sup>a</sup> f'm S'c'i Andr' Ap'li p'x' p'tito an' d'c'm xx<sup>mo</sup> die Junii anno sup'd'c'o.*"

His widow married Sir Richard Peshall, by whom she had further issue, and died (1331) 5 Edward III. Lord Mowbray was succeeded by his son and heir, John de Mowbray, Lord Mowbray.

III. JOHN DE MOWBRAY, third LORD MOWBRAY "by Writ of Summons" in the Peerage of England, was the eldest son and heir of John, second Lord Mowbray, by his wife, Alice, or Aliva, daughter of William (de Braose), Lord Braose of Gower. Though his father, as has been already related, was taken prisoner at the Battle of Boroughbridge in insurrection, was condemned to death and hung at York, he had not been attainted. On the 20th of June in the first year of the reign of Edward III. (1327), an Inquisition Post-mortem was taken on the death of John, 2nd Lord Mowbray, who had been executed the 16th of March, 1321-22. In the Inquisition it was found, amongst other matters, that the Manor of Melton Mowbray was held "de d'no reg' in capite," and that John, son and heir of the said John now deceased, was the next heir, and of the age of 21 years. John, 3rd Lord Mowbray, was therefore born *circa* 1307. On the 27th day of July, 1327, the Close Roll of the 1st of Edward III. shows that he had livery of certain lands: "Ac nos licet Joh'es de Moubray fil' t heres p'd'c'i Joh'is in custodia n'ra existens ad legitimam etatem suam nullatenus p'venisset volentes tamen eidem Joh'i contemplac'o'e boni servicii quod antecessores ip'ius Joh'is p'genitoribz n'ris temporibz retroactis multipliciter impenderu't t c' tu' gratu' s'viciu' q'd ip'm Joh'em nob' futur' temporibz credimus impensuru' gr'am fac'e sp'alem cepim' homagiu' ip'ius Joh'is de om'ibz t'ris t ten' que idem Joh'es pat' suus tenuit de d'co p're n'ro in capite," &c. Thus this John, 3rd Lord Mowbray, after his father's death, and his own release from the Tower, had restoration of his father's lands on the deposition of Edward II.

His marriage had been granted, for services rendered to Queen Isabella, to Henry (Plantagenet), Earl of Lancaster, who, about the year 1325, married Lord Mowbray to his fifth daughter, Lady Joan Plantagenet. This Earl of Lancaster, who was grandson of King Henry III., by Eleanor, his wife, second daughter and co-heir of Raymond Berenger, Count of Provence, had married Maud, daughter and heir of Sir Patrick Chaworth, Knight. The Close Roll for the 1st of Edward III. also shows that "Joh'i de Moubray" had a Writ of Summons, dated the 10th of December in that year, to sit among the Barons in Parliament. Again, for 13 Edward III. the Close Roll shows that he was summoned to Parliament on the 16th November, as "Joh'i de Moubray," and from the Parliament Roll for that year it is evident that he



sat in that Parliament, as "les seign<sup>rs</sup> de Wake de Moubray de Seg<sup>ave</sup> de Berkele," with others are mentioned. In the 34th of Edward III., according to the Close Roll for that year, there were two Parliaments, the Writs of Summons being dated the 3rd of April and the 20th of November. In those addressed to Lord Mowbray he is styled respectively "Joh'i de Moubray de Axihol'm,"\* and "Joh'i de Moubray." He continued to be summoned to Parliament until the 20th November (1360), 34 Edward III., the year before his death.

The great estates of his mother in Gower, in Wales, and Co. Sussex, &c., came to him on her death in 1331, and henceforth he styled himself Lord of the Isle of Axholme, and of the Honours of Gower, in Wales, and Brember, in Sussex, of which Lewes was the chief place. The De Braose inheritance involved him in protracted litigation with his mother's cousin, Thomas de Braose, which had commenced as early as 1338, and was still proceeding in 1347. Lord Mowbray also had a dispute before his mother's death with her second husband, Sir Richard Peshall, touching certain manors in Bedfordshire, &c., which he and his mother had granted to Sir Richard for life, and in 1329 he forcibly entered into them. He was a member of the King's Council for 1328, and in 1327, 1333, 1335, and again in 1337, he served against the Scots. There is but little evidence to support Dugdale's assertion that he frequently served in the wars with France. In 1337, when war with France was impending, he was ordered, as Lord of Gower, in Wales, to arm his tenants. The next year he was required to provide ships for the King's passage to that Kingdom, and was sent down to his Sussex lordship in prospect of a French landing. According to Froissart, Lord Mowbray was with the King in Flanders in October, 1339; but this is said to be impossible, as he was then present at the Parliament held in that month, being then ordered to repair towards his Yorkshire estates in order to defend the Scottish Marches. Next year Lord Mowbray was appointed Justiciar of Lothian, and Governor of Berwick, towards the garrison of which he was to provide 120 men, including 10 knights. In September, 1341, he was commanded to furnish Balliol with men from Yorkshire. On the 20th of December, 1342, Lord Mowbray received orders to hold himself in readiness to proceed to the assistance of the King in Brittany by the 1st of March, 1348, and, according to Froissart, he took part in the siege of Nantes, but the truce of Malestroit was concluded on the 19th of January, and on the 6th of February the reinforcements were countermanded. At the Battle of Neville's Cross against the Scots, on the 17th of October, 1346, Lord Mowbray fought in the third line, and the Lanercost chronicler thus sings his praises: "He was full of grace and kindness—the conduct both of himself and his men was such as to redound to their perpetual honour."

\* For this reason the Barony of Mowbray has sometimes been known as "Mowbray de Axiholme."

Froissart, nevertheless, again states that he was in France with the King. In 1347 he was again in the Scottish Marches, when, on the expiration, in 1352, of one of the short truces which commenced in 1347, he was appointed chief of the Commissioners charged with the defence of the Yorkshire coast against the French, and he was required to furnish 30 men from Gower. In 1355 the King sent him once more to the Scottish Border. Lord Mowbray, in December, 1359, was made a Justice of the Peace for the district of Holland, in Lincolnshire, and in the following February was appointed a Commissioner of Array, in Leicestershire, for Lancashire, Nottinghamshire, Leicestershire, Derbyshire, and Rutland. This, taken in consideration with the fact that he was summoned, on the 3rd of April, 1360, to the Parliament fixed for the 15th of May, makes it improbable that he was skirmishing before Paris in April, as stated by Froissart; but it is possible, however, that the "Sire de Montbrai" mentioned by Froissart was his son and heir.

The testimony which the Lanercost chronicler bears to the character of John de Mowbray is borne out by certain documentary evidence, which speaks highly in his favour. In order to put an end to disputes between his steward and his tenants in Axholme, he executed a deed on the 1st of May, 1359, reserving a certain part of the extensive wastes in the Isle of Axholme to himself, but granting the remainder *in perpetuum* to his tenants, which deed was jealously preserved as the charter of the commoners of Axholme in Haxey Church, "in a chest bound with iron, whose key was kept by some of the chiefest freeholders, under a window wherein was a portraiture of Mowbray, set in ancient stained glass, holding in his hand a writing, commonly reported to be an emblem of the deed." This window was broken down in the "rebellious times," when the rights of the commoners under the deed were in a large measure overridden, in spite of their protests, by the drainage scheme, which was begun by Cornelius Vermuyden in 1626, and led to riots in 1642 and 1697.\*

John de Mowbray, 3rd Lord Mowbray, died of the plague at York on the 4th of October, 1361, and was buried in the Franciscan Church at Bedford.

The Inquisition Post-mortem of John de Mowbray, Lord Mowbray, was produced in evidence at the hearing of Lord Stourton's Petition before the House of Lords. It was taken at Shefford, Co. Bedford, "die Jov' p'x' an' f'm O'i'u' S'c'or' aº r' r' E' t'cii post Conquest' xxxv<sup>to</sup>," before William de Otteford, Escheator of the Lord the King in

\* James Tate, Dugdale, Rot. Parl., Pat. Roll, Year-Book, Nicolas "Frœdera," "Chron. de Melsa," Walsingham "Cont. of Murimuth," Stonehouse "Monk of Evesham," Froissart, Grainge "Chron. de Lanercost," &c.



Co. Bedford, &c. " Qui dicu't sup' sacr'm suu' q'd Joh'es de Moubray senior de Axiholm tenuit de R' in capite die quo obiit quoddam d'niu' in Bedford," &c. " Et die q'd om'ia sup'd'ca maner' tenent' de d'no R' p' s'vic' militar' 't q'd id'm Joh'es de Moubray obiit die lune p'x' post f'm S'c'i Mich'is p'x' p'ter' et q'd Joh'es fil' ejusd'm Joh'is de Moubray est p'pinq'or ejus heres 't fuit plene etatis c'ca f'm Nat' S'c'i Johi's Bapt' p'x' p'ter' vid'l't viginti 't uni annor." It is therefore evident that he was succeeded by his aforesaid son and heir, John.

IV. JOHN DE MOWBRAY, fourth LORD MOWBRAY "by Writ of Summons" in the Peerage of England, was the son and heir of John, third Lord Mowbray, by his wife Joan, daughter of Henry (Plantagenet), Earl of Lancaster. He was born, 1326, at Epworth, Co. Lincoln, and succeeded his father on the 4th of October, 1361.

The Fine Roll for the 35th of Edward III., 1361, shows that on the 14th of November in that year John de Mowbray, of Axholme, the younger, had grant of livery of all his father's lands and tenements, "*Scias q'd cepim' homagiu' 't fidelitatem dil'c'i 't fidelis n'ri Joh'is de Moubray de Axiholm' junioris fil' 't heredis Joh'is de Moubray de Axiholm' senioris defuncti de om'ibz t'ris 't ten' que p'd'c'us Joh'es de Moubray pat' suus tenuit de nob' in capite*" &c.

John, 4th Lord Mowbray, married, in his father's lifetime and before 1353, Elizabeth, only child and afterwards sole heir of John de Segrave, Lord Segrave "by Writ" in the Peerage of England, a Barony "proved" (according to the decision in 1877 of the House of Lords upon Lord Stourton's Petition for the termination of the abeyance in his favour) by the Writ of the 28th of June (1283), 11th of Edward I., though there can be no doubt whatever that the Barony was of more ancient date. The details relating to the creation of the Barony of Segrave and its earlier holders will be found later set out in the pages devoted exclusively to that Peerage. John, Lord Segrave, had married the Lady Margaret Plantagenet, *suo jure* Countess of Norfolk, daughter, and eventually sole heir, of Thomas Plantagenet, "of Brotherton," Earl of Norfolk and Marshal of England, fifth son of King Edward I. After the death of her husband, Margaret (Plantagenet), Countess of Norfolk, was created afterwards for life, on the 29th of September, 1397, Duchess of Norfolk. John, Lord Segrave, her husband, died on Easter Tuesday, 1353, leaving by his wife Margaret, afterwards Countess of Nortolk, an only child, Elizabeth, who thereupon became Baroness Segrave, and who was at that time married to John de Mowbray (afterwards 4th Lord Mowbray), although she was then only of the age of 13 years. It will therefore be seen that Lord Mowbray and the Baroness Segrave were related, being alike descended from the Royal House of Plantagenet, to which they were both closely akin.

Bearing in mind that those of the Blood Royal have usually taken precedence of all others of their rank, it is not an improbable supposition that some weight may

have been attached to the fact of this *representation* of Plantagenet blood when the heirs of line of this marriage, the then Lords Mowbray, were successively placed in 1640 and 1677 above all other Barons. The actual *reasons* then adduced which caused these decisions are, unfortunately, lost to us; the *fact* of the decisions alone remains. But it is an important fact that John, Earl Marshal, in his petition for the Dukedom of Norfolk and for precedence above his cousin of Warwick, distinctly puts forward his Royal Blood and Royal Arms as a reason for taking precedence. The point is, at any rate, worth consideration when the rival claims of the Baronies of Mowbray and De Ros are weighed against each other.

Upon the death, in 1353, of John, Lord Segrave, John, 4th Lord Mowbray, in right of his wife, entered into possession of the Segrave lands, which lay chiefly in Leicestershire, where the Manors of Segrave, Sileby, and Mount Sorrel, adjoined the Mowbray manor and lands of Melton Mowbray; and in Warwickshire, where the Castle and Manor of Caludon, and other lordships, were added to the holding of the Lords Mowbray in that county. Although the Lady Margaret (Plantagenet), wife of John, Lord Segrave, inherited, at the conclusion of the abeyance which followed the death of her father, Thomas Plantagenet "de Brotherton," Earl of Norfolk and Marshal of England, in 1338, the title and vast heritage in the Eastern Counties of the Bigods, Earls of Norfolk, together with the high hereditary office of Marshal of England, which had been conferred on her father, neither John, 4th Lord Mowbray, nor his successor, survived to enjoy her inheritance, inasmuch as the Countess of Norfolk outlived them, as well as her second husband, Sir Walter Manny, K.G., Lord of the Town of Manny, who was buried in his own church in the house of Carthusians in the Charterhouse in 1371, the year of its foundation by him. The Countess died the 24th of March, 1398-99, and was buried with her second husband. In the fifteenth century the Lords Mowbray, having entered into the actual possession of the lands of the Bigod family, removed their chief place of residence from the mansion of the Vine Garths at Epworth in Axholme to Framlingham Castle in Suffolk.

The Close Roll for the 36th of Edward III. proves that a Writ of Summons was issued on the 14th of August in that year to "Joh'i de Moubray de Auxhiholm" to sit in Parliament; and the Close Roll for the 37th of Edward III. shows that a similar Writ of Summons, dated the 1st of June, was addressed to "Joh'i de Moubray de Axiholm." The Parliament Roll for that year proves that as "Le Sire de Moubray" and as "Mons' Joh<sup>a</sup>n Moubray" he sat amongst the Triers of Petitions in the Parliament for that year. The Close Roll for the 39th of Edward III. proves

that on the 20th of January, then instant, another Writ of Summons was then addressed to "Joh'i de Moubray de Axiholm'."

By Elizabeth, Baroness Segrave, his wife, John, 4th Lord Mowbray, had two sons, John and Thomas, both of whom succeeded successively as Lords Mowbray and Segrave. John, 4th Lord Mowbray, was slain near Constantinople, on his way to the Holy Land, on the 19th of October, 1368, and was buried in the neighbouring Monastery of Pera. At the hearing of Lord Stourton's Petition, the Inquisition of John de Mowbray, taken at Melton Mowbray before William de Catesby, Escheator for the Lord the King in the County of Leicester, on "die Sab'ti p'x' post festu' S'c'i Petri in cathedra," 43 Edward III., was adduced in evidence. "Qui dicunt s'r sacr'm suu' q'd Joh'es de Moubray de Axhiolm' tenuit die quo obiit in d'nico suo ut de feodo man'iu' de Melton' Moubray cu' p'tin' in eodem com' cuj' quidem man'ii capitale mesuagiu' nich' valet," &c. "Et dic' q'd p'd'cus Joh'es obiit in festo S'c'i Dionisii anno quadragesimo secundo Et dic' q'd Joh'es fil' 't her's ip'ius Joh'is de Moubray fuit etatis quatuor' annor' ad festu' Pentecost' anno quadragesimo secundo." Another Inquisition was also produced, taken at Kyngton, before William Catesby, Escheator, &c., for the County of Warwick, "die M'cur' p'x' post festu' S'c'i Gregorii Pape," 43rd Edward III., after the death of the same John de Mowbray, of Axholme, showing that he held the Manors of Kyngton Magna and Calwedon, in the County of Warwick, "p' legem Angl' ut de hereditate Elizab' ux' sue fil' 't her' Joh'is de Segrave mil'," &c., showing, as in the last Inquisition, that John de Mowbray died on the day therein stated, and that John was son and heir of the aforesaid John and Elizabeth, and was of the age of 4 years, as stated in the former Inquisition.

The second son of John, 4th Lord Mowbray, and his wife Elizabeth, Lady Segrave, was Thomas de Mowbray, who requested from the Warden of the Convent at Pera a faculty to remove the body of his father, which had been buried there, to England for interment; and this faculty was exemplified by the official of the Archbishop of Canterbury, and in it the son is described as Thomas, Earl of Nottingham, Marshal of England, Lord Mowbray and Segrave. In the Charters and documents of the Mowbray family, after their inheritance of the lands and the Barony of Segrave through the marriage with this Lady Segrave, they are always described as Lords Mowbray and Segrave, thus proving that they considered Mowbray to be the senior dignity.

As will have been seen, the Baronies of both Mowbray and Segrave thus became united in the Mowbray family by the marriage of John de Mowbray, 4th Lord Mowbray, with Elizabeth, *suo jure* Baroness Segrave, only child and sole heir of John de Segrave, Lord Segrave. With their elder son and heir, John, we now proceed.

V. JOHN DE MOWBRAY, fifth LORD MOWBRAY, "by Writ of Summons," and sixth LORD SEGRAVE, also "by Writ of Summons," and EARL OF NOTTINGHAM by Letters Patent, all in the Peerage of England, was born in the year 1364, and was the eldest son of John, fourth Lord Mowbray, and Elizabeth, Lady Segrave, and at the tender age of four years, on the 9th of October, 1368, he succeeded his father as Lord Mowbray, and succeeded his mother as Lord Segrave at her death in or about the year 1375.

On the 23rd of April, 1377, he was made Knight by King Edward III.

From the Charter Roll, produced at the hearing of Lord Stourton's Petition, for the first year of Richard II., it was found that he was created Earl of Nottingham on the 15th of July, 1st of Richard II., 1377, at the Coronation of that King, ("apud Westm' die coronac'o'is n're anno' regnor' n'ror primo") and that he was described as "Joh'is de Moubray de Axiholm'," being raised by the "nomen 't honorem Comit'is dedim' 't i'p'm in Comit'e Notyngham'."

The limitations of this Peerage as recited in the Letters Patent creating it were "sibi et heredibus suis," *i.e.*, to himself and his heirs. It should be noted that neither the words "masculis" nor "de corpore suo," which are almost invariably found in Peerage Patents, follow the clause quoted in this Patent of the Earldom of Nottingham. It is not unlikely that this Earldom, as is now sometimes believed, became extinct at the death, 1381-82, of the Earl unmarried. Concerning this limitation "G. E. C.," the learned editor of the "Complete Peerage," remarks that this is "one of the many cases in which these words of wide import must be construed as relating only to heirs *of the body* of the grantee." On the other hand, it cannot be overlooked that in 1831 the House of Lords resolved in the Devon case that by the omission of the words "de corpore suo" the honour in question could devolve upon a collateral heir. This decision and precedent were not, however, acted upon in the claim to the Earldom of Wiltes, heard at a later date. The omission of the word "masculis" would seem to open the succession to heirs general. The recent termination of the abeyance of the Earldom of Cromartie is a precedent in proof of the fact that the Crown recognises the possibility of an English Earldom, heritable by heirs general, being capable of falling into abeyance, and moreover, an abeyance which is capable of termi-

nation. The subsequent *creation* of Thomas de Mowbray (brother and heir of the 1st Earl of Nottingham) also as Earl of Nottingham would seem to show that the Letters Patent of 1377 were not then considered as capable of bearing any such wide and extensive interpretation; but if the strictly literal interpretation of the clause be adhered to it would seem to be *possible* that this earlier Earldom of Nottingham is presently in abeyance between (1) Lord Mowbray and Stourton, (2) Lord Petre, and (3) Baroness Berkeley.

On the 4th of August, 1377, as is proved by the Close Roll for 1 Richard II., the Earl of Nottingham received a Writ of Summons to Parliament as "Joh'i de Moubray comiti Notyngh<sup>a</sup>m." He, with William de Latimer, made claim to exercise at the Coronation of Richard II. the office of Almoner, which had belonged to their ancestor, William de Beauchamp, of Bedford. He died a minor and unmarried in London, on the 10th of February, 1381-82, and was buried in the Grey Friars, Carmelites, Fleet Street. His Inquisition Post Mortem was taken at Melton Mowbray before John Raye, Escheator for the King, in Co. Leicester, on the 2nd of June, 6th of Richard II., after his death; and was produced in evidence at the hearing of Lord Stourton's Petition. From this it would appear that he was formerly in the custody of the late King Edward III., and afterwards and at that time in that of Richard II.; dying "die Martis p'x' an' f'm S'c'i Valentini ult' p't'," and the jury found that "Thomas de Moubray fil' p'd'c'i Joh'is de Moubray,\* 't frat' p'd'c'i Comit' est heres ejus p'pinquior 't est etat' xvij annor 't amplius." John, Earl of Nottingham, was, therefore, succeeded by his brother Thomas.

\* 4th Lord Mowbray.



VI. THOMAS DE MOWBRAY, sixth LORD MOWBRAY, and seventh LORD SEGRAVE, both "by Writ of Summons," and subsequently EARL OF NOTTINGHAM, EARL OF NORFOLK and DUKE OF NORFOLK, by Letters Patent, all in the Peerage of England, and EARL-MARSHAL OF ENGLAND, and KNIGHT OF THE GARTER, was the second, but eventually the eldest surviving son of John, fourth Lord Mowbray, and his wife Elizabeth, *suo jure* Baroness Segrave. He was born about the year 1365, and at the death of his brother, on the 10th of February, 1381-82, he succeeded to the Baronies of Mowbray and Segrave.

His mother, Lady Segrave, is said to have had him baptized Thomas, a name not previously affected by the family, to mark her especial reverence for St. Thomas of Canterbury, but it seems much more likely that he was named after his great-grandfather, Thomas "of Brotherton." His sponsors were the Abbots of Fountains and Sawley. On the death, without issue, of his elder brother, John, Earl of Nottingham, he inherited the lands of the great Barony of Mowbray, with which were merged the lands of Braose and Segrave, and he succeeded to the expectation of the vast heritage of the Bigods, Earls of Norfolk, then enjoyed by his grandmother, the Lady Margaret (Plantagenet), Countess of Norfolk.

A year had scarcely elapsed from the death of his brother, the first Earl of Nottingham, when his kinsman, King Richard II., revived the Earldom of Nottingham in his favour, and on the 12th of February (1381-82), 6th Richard II., Thomas Lord Mowbray and Segrave, was created Earl of Nottingham. This is proved by the Charter Roll of 5th and 6th Richard II. The patent is recited in full in the printed Minutes of Evidence of the Mowbray and Segrave Peerage Case, but the following extract is worthy of especial notice: "p'clari consanguinei n'ri Thome Moubray de Axiholm' juxta claritatem gen'is sui ac mor' suor' m'ita ut p' ip'ius potenciam 't prudenciam regale sceptru' fulciat' pamplius honorare eidem Thome nomen 't honorem Comitis dedimus 't ip'm in Comitem Notynghamie p'fecim' Ac de eisdem no'ie 't honore p' cinturam gladii investim' h'end' 't tenend' eadem nomen 't honorem Comitis Notynghamie sibi 't heredibz masculis de corpore suo exeuntibz." The limitations here are those which are usually to be found in Peerage Patents, and that this is so only renders more remarkable the crucial omission of the words



"masculis de corpore suo exeuntibz" in his elder brother's Patent which was issued less than six years previously.

Almost immediately afterwards he was created a Knight of the Most Noble Order of the Garter, being appointed to the vacancy consequent upon the death of Sir John Burley, K.G. As Earl of Nottingham he was summoned on the 20th of August, as "Thome de Moubray, comiti Notyngh'," to the Parliament which met on the 26th of October in that year. Froissart substitutes the Earls of Northumberland and Nottingham for the Duke of Lancaster and the Earl of Buckingham, as leaders of the Scottish Expedition of March, 1384. On the 30th of June in the 9th year of King Richard II. (1385) he was invested for life, his grandmother being still alive, with the office of Marshal of England, an office which had been enjoyed by his great-grandfather, Thomas "de Brotherton," Earl of Norfolk, the grant to whom was proved on the hearing of Lord Stourton's Petition, by the production of the Charter Roll for 6th Edward II. This showed that the grant of the office to Thomas of Brotherton was dated the 16th of December and the 24th of January then instant, "Nich'o de Segave" being among the witnesses.

The grant to Thomas of Brotherton proved that the office of Marshal of England had been formerly held by Roger le Bygod, Earl of Norfolk and Marshal of England, and the Earldom of Norfolk and the Office of Marshal of England were then conferred upon "Thome de Brotherton fratri n'ro carissimo" to "h'end 't tenend' eidem Thome 't heredibz suis de corpore suo leg'tt'ie p'creatis," and failing, the office to revert to the Crown. The grant to Thomas of Brotherton was of the office of "Marshal of England."

The Grant of June 30th, 1385, states that the office had previously been held by Thomas de Holand, Earl of Kent.

On the 12th of January (following), 9th of Richard III. (1385-86), by Letters Patent, the office of Marshal was confirmed to Thomas de Mowbray, Earl of Nottingham, with the title of "Earl-Marshal of England" to himself and the *heirs male of his body* as follows :

"Sciatis q'd cum nos nup' de gr'a n'ra sp'ali concesserimus dil'c'o consanguineo n'ro Thome Comiti Notyngh' officium Marescalli' Angl' h'end' ad totam vitam suam nos jam de ub'iori gr'a n'ra concessimus p'fato consanguineo n'ro officiu' p'd'c'm una cum no'i'e 't honore Comitis Marescalli h'end' sibi 't heredibz suis masculis de corpore suo exeuntibz," &c.

The Office of Earl-Marshal of England in later grants thereof carried with it a specific gift to the grantee of the right and authority to bear a golden baton enamelled with black at either end, having thereon at the upper end of it the Royal Arms, and at the lower end the personal Arms of the grantee. But although no

mention is made of such a privilege in the grant to the Earl of Nottingham, the "Marshal's rod" had long been the symbol of the authority of the office. One of the witnesses to the Charter granting the office to the Earl-Marshal was "Hugone de Segrave thes' n'ro."

On his march through Yorkshire, the King confirmed to Thomas, Earl of Nottingham, on the 21st of July, before many Knights of his army as witnesses, the Charter of Roger de Mowbray, the ancestor of the Earl, to Byland Abbey. The Earl of Nottingham does not appear by name amongst the Peers who carried out, from October to December, 1386, the abortive revolution at Court against the King. Being nearly of the same age and closely related to the King, the Earl of Nottingham had been much in his company. In 1385 the Earl had married Elizabeth, eldest sister and eventually co-heir of Thomas FitzAlan, Earl of Arundel, who was, next to the Duke of Gloucester, the chief author of the revolution, and who shared with his brother-in-law, the Earl of Nottingham, the glory of the naval victory of the 24th of March, 1387, over the French, Flemings, and Spaniards. The Earl of Nottingham did not, however, accompany the Earl of Arundel in the further expedition which the latter undertook for the relief of Brest. King Richard received the Earl of Nottingham very coldly when he presented himself to report his success, and the Royal favourite, the Duke of Ireland, refused to speak to either Earl, who both thereupon retired to their estates. The Earl of Nottingham was one of those whose destruction the King and the Duke of Ireland sought to bring about after Easter, although the Earl does not appear to have taken any open part in the armed demonstration in November by which the Duke of Gloucester and the Earls of Arundel and Warwick, with whom the Earl of Derby, eldest son of John of Gaunt, had then allied himself, extorted from King Richard a promise that his advisers should be brought to account before Parliament. It was not until after the Lords in revolt had fled from the Court, and the Duke of Ireland was approaching with an army raised in Cheshire to relieve the King from the constraint in which he was held, that the Earl of Nottingham followed the example of the Earl of Derby, with whom he and others appeared in arms at Huntingdon on the 12th of December. If the account which the Earls of Derby and Nottingham put forward ten years later, when they were assisting King Richard in bringing their former associates to account for these proceedings, be the true one, they had showed themselves more moderate than their elders, inasmuch as they claimed to have secured the rejection of the Earl of Arundel's proposal to capture and depose the King. The Earl of Nottingham and his confederates marched into Oxfordshire to intercept the Duke of Ireland before he could pass the Thames, and they divided their forces for the purpose of effecting this on

the 20th of December. The Earl of Nottingham, like some of the others, does not seem to have arrived in time to have taken any part with the Earl of Derby and the Duke of Gloucester in the actual fighting at Radcot Bridge, near Burford. The Duke of Ireland only escaped thence by swimming, while the victors returned through Oxford, where the chronicler Adam of Usk saw their army pass, with the Earls of Arundel and Nottingham bringing up the rear. After spending Christmas Day at St. Albans, they reached London on the 26th of December, and encamped in the fields at Clerkenwell. The London populace sided with the formidable host without their walls, whereupon the Lord Mayor ordered the gates to be opened to the leaders, who insisted on an interview with King Richard in the Tower of London, entering his presence with linked arms. The King consented to meet them the next day at Westminster, beseeching the five Lords in the meantime to sup and stay the night with him, in token of his goodwill; but Gloucester refused, although Richard succeeded in persuading the Earls of Derby and Nottingham to do so. When the Earls and their companions met the King the next day at Westminster, they formally accused his favourites of treason, and Richard ordered their arrest. Thomas de Mowbray, Earl of Nottingham, as one of the five appellants, joined in the subsequent proscription of the King's friends in the merciless Parliament which met on the 3rd of February, 1388. (To this Parliament the Earl of Nottingham, as "Thome de Moubray, comiti Marescall' t Notyngh'," as proved by the Close Roll for the 11th of Richard II., had a Writ of Summons addressed to him on the 17th of December.) On the 10th of March following he, as Earl-Marshal, joined the Duke of Gloucester as Lord High Constable in hearing a suit between Matthew Gournay and Louis de Sancerre, Marshal of France. Early in 1389 he is said to have been sent against the Scots, who were then ravaging Northumberland, but being entrusted with a force of only 500 lances, the Earl of Nottingham did not venture an encounter with the Scots, who are said to have numbered some 30,000. When Richard shook off the tutelage of the appellants on the 3rd of May, the Earl of Nottingham was removed with the others from the Privy Council; but, once his own master, Richard showed particular anxiety to conciliate the Earl-Marshal, who was granted on the 16th of February, 12th of Richard II., the then overdue livery of his lands which had been held in chief of Edward III. by his brother John. He is expressly stated to be brother and heir of John de Mowbray, late Earl of Nottingham, son and heir of John de Mowbray, of Axiholm, Chevalier, deceased, as is proved by the Close Roll for the 12th of Richard II. On the 11th of May the King appointed the Earl of Nottingham a commissioner to negotiate a truce with Scotland, for his great possessions in the North naturally suggested his employment in the defence of the Scottish Border, as his grandfather had been appointed before him. Therefore, on the 1st of June

he was constituted Warden of the East Marches, Captain of Berwick, and Constable of Roxburgh Castle, for two years. By the middle of September both the Earl of Nottingham and the Earl of Derby had been restored to their places at the Council Board, which on the 15th of October was the scene of a hot dispute between the King and his new Chancellor, William of Wykeham, who resisted Richard's proposal to grant a large pension to the Earl of Nottingham. Whatever might have been Richard's real feelings at this time towards Gloucester and Arundel, it was obviously to his interest to attach the younger and less prominent appellants to himself. The result was that the Earl of Nottingham was continuously employed in the service of the State and entrusted with the most responsible commands. On the 28th of June, 1390, the Earl was associated with the Treasurer, John Gilbert, Bishop of St. David's, and others, to obtain redress from the Scots for recent infractions of the truce. In 1391 an exchange of posts was effected between the Earls of Nottingham and Northumberland, the latter returning to his former office of Warden of the Scottish Marches, while the Earl of Nottingham undertook the Captaincy of Calais, which office in November, 1392, was renewed to him for six years, in conjunction with that of Lieutenant of the King in Calais, and the parts of Picardy, Flanders, and Artois for the same term.

In March, 1394, the Earl was appointed the Chief Justice of North Wales, and two months later Chester and Flint were added to his jurisdiction. In September, 1394, the Earl of Nottingham accompanied King Richard to Ireland, and on his return was commissioned, with the Earl of Rutland, son of Edmund of Langley, Duke of York, and others, on the 8th of July, and again in the October and December following, to negotiate a long truce with France, and a marriage for the King with Isabella, daughter of King Charles VI. of France. The Earl was present at the costly wedding festivities at Calais, in October, 1396, and thus was closely identified with the French connection, which, by its baneful influence upon King Richard's character and policy, and its unpopularity in the country, contributed so much in hastening his misfortunes.

On the hearing of Lord Stourton's Petition there was adduced in evidence a notarial transcript of a letter from the Convent of Peyra, dated on the 16th of November, 1396, addressed to Lord Thomas, Earl of Nottingham, Marshal of England, Lord of Mowbray and of Segrave, Knight, which was under the notarial mark of Petrus Cherche. The Convent of Peyra had been a Convent at Pera, near Constantinople, before the destruction of the Greek Empire.

In the Parliament of January, 1397, Richard gave the Earl of Nottingham another signal proof of his favour by an express recognition and confirmation of the

office of Earl-Marshal of England, as hereditary in his house, and granted him permission and authority to bear a golden truncheon, enamelled with black at either end, and bearing thereon the Royal Arms on the upper end, and his personal Arms on the lower.

At the same time the Earl of Nottingham gained a victory in a personal dispute with one of Gloucester's associates, the Earl of Warwick, whose father had obtained in 1352 a legal recognition of his claim to the Lordship of Gower, a part of the Mowbray inheritance. This judgment was now reversed in the Earl of Nottingham's favour.

From the end of February to that of the end of June following the Earl was absent from England on a foreign mission, but he returned in time to serve as one of the instruments of King Richard's revenge upon the Duke of Gloucester and the Earls of Arundel and Warwick, his fellow-appellants of 1388. He became a considerable gainer by the destruction of his former friends, for, according to the King's story, the Earl of Nottingham, and seven other young courtiers, of whom all but one were related to the Royal House, had advised King Richard to arrest Gloucester, Arundel and Warwick on the 8th and 9th of July, and at Nottingham, on the 5th of August, they agreed to appeal them of treason in the Parliament which had been summoned to meet at Westminster on the 21st of September following. From the Close Roll for the 21st of Richard II., adduced in evidence on Lord Stourton's Petition, it was proved that on the 18th of July then instant the Earl of Nottingham had a Writ of Summons addressed to him as "*Thome comiti Notyngh' Marescallo Angl'*" to attend the Parliament in that year. The Earl of Nottingham was present when Richard in person arrested the Duke of Gloucester at his Castle of Pleshy, in Essex, and it was to his care, as Captain of Calais, that Gloucester was consigned. He probably personally conducted his prisoner to Calais, as Froissart thought; but the Earl of Nottingham's presence at Nottingham on the 5th of August would tend to prove that he did not himself personally take charge of Gloucester throughout his imprisonment; and, moreover, it appears that the Earl had for some time, in fact, been performing his duties at Calais by deputy. On Friday, the 21st of September, the Earl of Nottingham and his fellow-appellants, in red silk robes, banded with white silk, and powdered with letters of gold, renewed in Parliament the appeal they had made at Nottingham. The Earl of Arundel was forthwith tried, condemned, and beheaded on Tower Hill, and it is said that (together with the Earl of Arundel's nephew, the Earl of Kent) the Earl of Nottingham led his brother-in-law to execution, and that the Earl of Arundel taunted them with ingratitude, and prophesied time's speedy revenge. Froissart adds that the Earl-Marshal bandaged Arundel's eyes and performed the execution himself. This appears to have been the popular belief as early as 1399, but the official record states



that the execution was carried out by Lord Morley, the Lieutenant of the Earl-Marshall. Adam of Usk mentions the presence of the Earl of Kent, and others who coveted the lands of the condemned Earl, the greater part of which, namely, the Castle and Lordship of Lewes, with all forfeited lands in Sussex and Surrey, with the exception of Reigate, were granted to the Earl of Nottingham on the 26th of July following. On the day of the Earl of Arundel's execution the King issued a writ, addressed to the Earl of Nottingham, as Captain of Calais, or his deputy, to bring the Duke of Gloucester before Parliament, to answer the charges of the appellants, and the answer of the Earl was read at the adjourned Parliament held on Monday, the 24th of September. He curtly stated that he could not produce the Duke, as the latter had died in his custody at Calais on the 25th of September, and a confession, purporting to have been made by the Duke of Gloucester to Sir William Rickhill, Justice of the Common Pleas, was then read in Parliament. The late Duke was then found guilty of treason, but the whole affair is involved in much mystery, and there must remain a strong suspicion that the King and the Earl were responsible for the death of the Duke of Gloucester. After the accession of Henry IV., a certain John Hall, a servant of the Earl of Nottingham (who was at that time deceased), being arrested as an accomplice in the murder of the Duke of Gloucester, deposed in writing to Parliament that he had been called from his bed by the Earl of Nottingham one night in September, 1397, had been informed that the King had ordered the Duke to be murdered, and had been enjoined to be present with other Esquires and servants of the Earls of Nottingham and Rutland. Hall asserted that he at first refused, whereupon the Earl of Nottingham struck him on the head, and said he should obey or die. Hall then took an oath of secrecy, with eight other Esquires and yeomen, whose names Hall gave, in the church of Nôtre Dame, in the presence of the Earl of Nottingham. The Earl then took them to a hostelry called Prince's Inn, and there left them. The Duke of Gloucester was then handed over to them by John Lovetot (who was also a witness to the Duke's confession made to Sir William Rickhill), and suffocated under a feather-bed in the aforesaid hostel. Hall was at once condemned, and was executed; and when Serle, one of the others implicated, was captured in 1404, he met with the same fate as John Hall. The guilt of Nottingham is not absolutely proved, though the balance of evidence is against him. The Earl of Nottingham's services, whatever their extent, were rewarded on the 28th of September by a grant of the greater part of the Arundel Estates in Sussex and Surrey, and with seventeen of the Earl of Warwick's manors in the Midlands. On the Commons representing to the King that the Earls of Derby and Nottingham had been innocent of malice in their appeal of 1388, Richard vouched for their loyalty; and on the 29th of September, 21st Richard II. (as

proved by the Charter Roll which was produced in evidence at the hearing of Lord Stourton's Petition), the King created the Earl of Nottingham, Duke of Norfolk, with remainder to the heirs male of his body, and on the same day the Lady Margaret (Plantagenet), then Countess of Norfolk, his grandmother, was created Duchess of Norfolk for life. But the statement that the King, at the same time, gave him the Earldom of Arundel, is erroneous, although he had had a grant about that time of some of the lands appertaining to the Honour of Arundel. On the 5th of November, 21st Richard II., he had a Writ of Summons to Parliament addressed to him as "Thome duci Norff." But neither his increased wealth nor his new honours rendered the Duke of Norfolk's position inviolable, for Richard II., vindictive by nature, had not forgotten the fact that the Duke was once his enemy. The result was that the King afterwards declared that the Duke of Norfolk had not pursued the appeal of his former associates with such zeal as those who had never sided with them. At the same time, the Duke of Surrey and others, representing the inner circle of the King's confidants, were, as the Duke of Norfolk had reason to suspect, urging King Richard to rid himself of all who had ever been his enemies. The Duke of Norfolk is said to have confided his fears to Henry of Bolingbroke, Duke of Hereford (afterwards King Henry IV.), as they rode from Brentford to London, in December, 1397. The Duke of Hereford informed the King of the Duke of Norfolk's language, of which he gave a written, and probably somewhat highly-coloured account, for Hereford was jealous of the dignities and power of the Duke of Norfolk. The King summoned both to appear before the adjourned Parliament then to be holden at Shrewsbury on the 30th of January, 1398, to which place the Duke of Hereford accompanied the King. That they journeyed together there can be no doubt, for on the 25th of January Richard at Lilleshall gave the Duke of Hereford a full pardon for all treasons or other offences of which he might have been guilty in the past. The Duke of Norfolk refused to appear or answer the charges which the Duke of Hereford, on Wednesday, the 30th of January, presented against him, and on the 4th of February the King ordered the Sheriffs to proclaim that the Duke must appear within fifteen days. The story that Norfolk had laid an ambush for his rival Hereford on his journey to Shrewsbury is open to considerable doubt. The King's proclamation of the 4th of February was issued probably in accordance with the settlement of the 31st of January, that the charges against the Duke should be left to the King, with the advice of the committee appointed by Parliament to deal with unfinished business. On the 23rd of February, however, the Duke of Norfolk was present at Oswestry and gave a full denial to the accusations laid to his charge. It was therefore settled and confirmed at Bristol, by the King in Council, that unless sufficient proofs of the guilt of the Duke were forthcoming in the meantime, the matter should be referred to a Court



of Chivalry at Windsor, to be held on Sunday, the 28th of April. The Court met accordingly on that date, and on the following day decided that the matter should be settled by trial of battle at Coventry on the 16th of September following. The lists were accordingly set up in a place surrounded by a ditch outside Coventry, and on the 16th of September the combatants both put in their due appearance. Each was magnificently arrayed, the Duke of Norfolk having procured his armour from Germany, and the Duke of Hereford's being a present from Gian Galeazzo of Milan. The Duke of Hereford's array was much the more magnificent, he having seven horses diversely equipped. Before the battle could commence, however, the King took it into his own hands, on the ground that treason was in question, and that it was undesirable that the blood-royal should be dishonoured by the defeat of either. The King announced his decision that inasmuch as the Duke of Norfolk had confessed at Windsor to some of the charges which he had denied at Oswestry, and thus stood self-convicted of conduct which was likely to have roused great trouble in the kingdom, he must quit the realm before the octave of St. Edward, to take up his residence in Germany, Bohemia, and Hungary, and pass the Great Sea in pilgrimage, going nowhere else in Christendom on pain of incurring the penalties of treason. The Duke of Hereford was banished to France, and communication between the two Dukes was expressly forbidden, as was likewise all intercourse with Archbishop Arundel. The Duke of Norfolk forfeited the share he had obtained of the lands of the Earls of Arundel and Warwick, and all his offices were declared to have been forfeited, because he had resisted the abrogation of the acts of the Merciless Parliament, and had failed in his duty as an appellant. The remainder of his lands were confiscated into the hands of the Crown, and their revenues, after the payment to the Duke of Norfolk of £1,000 per year, were to be devoted to defraying the heavy losses in which it was alleged his maladministration of his governorship of Calais had involved the King. The following day his office of Marshal of England was granted during the lifetime of the Duke of Norfolk to the King's nephew, Thomas Holland, Duke of Surrey. The Captaincy of Calais the King had already given to his half-brother, John Holland, Duke of Exeter. It is not unlikely that the Duke of Norfolk was banished somewhat as a matter of form, with the intention of his subsequent recall, for many writers consider that the King sought the destruction of the Duke of Hereford. It is a curious fact that the Duke of Norfolk was condemned on the first anniversary of the death of the Duke of Gloucester. Soon indeed had retribution overtaken him. On the 3rd of October the King ordered his Admirals to allow free passage to the Duke of Norfolk from any port between Scarborough and the Orwell, licensing him to take a suite of forty persons, £1,000 in money, with jewels, plate, and harness, and issuing a general request to all Princes and Nations to allow

him safe-conduct. On Saturday, the 19th of October, the Duke of Norfolk sailed from the port of Kekeleyrode, a little south of Lowestoft, for Dardrecht, in the presence of the officials of Lowestoft, and some of the county gentry, who testified to the fact, and added that by sunset he was six leagues and more from the port, and was favoured with "bon vent et swef." Perhaps then, as he gazed on England for the last time, the Duke recalled the words with which Arundel had taunted him the year before, that he and others would speedily follow into exile. The Duke of Norfolk reached Venice, where on the 18th of February, 1399, the Senate, at the request of King Richard, granted the Duke of Norfolk, as the Duke of Gilforth, the loan of a galley for his intended visit to the Holy Sepulchre; and the Duke induced some private Venetians to advance him money for the expenses of his journey, on the express undertaking, inserted in his will, that their claims should rank before all others. After his death the Doge Steno pressed Henry IV. to compel the heirs of the Duke to satisfy these claims.

Thomas de Mowbray, Duke of Norfolk, was twice married. The contract for his first marriage is dated the 15th of March, 1382-83, which is probably about the date he married, as Earl of Nottingham, Elizabeth le Strange, *suo jure* Baroness Strange de Blackmere, only daughter and sole heir of John le Strange, 5th Lord Strange de Blackmere by his wife Isabel, daughter of Thomas Beauchamp, Earl of Warwick. The Baroness Strange de Blackmere, Countess of Nottingham, however, died without issue a few months later on the 23rd of August, 1383, being then only in her tenth year. He married secondly in or before 1385, Elizabeth, widow of William Montacute, who was styled Lord Montacute, and was slain 1382-83. She was the eldest sister and co-heir of Thomas FitzAlan, Earl of Arundel, being daughter of Richard, Earl of Arundel, by his first wife, Elizabeth, daughter of William de Bohun, Earl of Northampton. Of this marriage (for which a pardon is dated the 18th of February, 1389) there was issue. Elizabeth (FitzAlan), Duchess of Norfolk, was born 1372, and, as the "Countess Marshal," had robes of the Order of the Garter on St. George's Day, 1386. She survived the Duke and married as her third husband Sir Gerald Ufflete. She subsequently contracted a fourth marriage with Sir Robert Goushill, of Hoveringham, Notts, and died the 8th of July, 1425.

It was not until after his banishment, and only shortly before his own death, that he succeeded his grandmother in the Earldom of Norfolk. With regard to the dates of their respective deaths, which occurred within an interval of a few months, there have been many discrepancies, though why this should have been the case it is difficult to understand, inasmuch as there is no variation in the dates assigned in the

various Inquisitions. The Commissions issued for the Inquisitions to be taken upon the deaths of both Margaret, Duchess of Norfolk, and her grandson, Thomas, Duke of Norfolk, were issued the *same* day, viz., the 23rd of November (1399), 1st Henry IV. They were therefore both deceased at that date. At the Inquisition upon the Duchess taken at Ipswich, Co. Suffolk, before Richard Bowet, Escheator for the Lord the King in the counties of Norfolk and Suffolk, on the "die Lune p'x' post fest' Natal D'ni" in the first year of the reign of King Henry IV., the finding concerning her death was as follows: "Et dic' q'd ead'm Margar' obiit die Lune p'x' ante f'm Anunciac'o'is B'te Marie ultimo p't'it' Et dic' q'd p'dictus Thom' de Mounbray nup' dux Norff' qui sup'vixit p'dict' Joh'em de Segrave 't Margar' fuit consanguineus 't heres p'pinquior p'd'c'or' Joh'is de Segave 't Margar' et fuit etat' xxxij annor' temp'e mortis p'd'c'e Margar' Et postea obiit videl't die Lune p'x' ante p'm S'c'i Mich arch' ult' p't'it' Et dic' qd' p'd'c'us Thom' de Mounbray miles nu'c sup'stes est fil' 't her' ejusd'm nup' duc p'pinquior 't consanguineus 't heres p'd'c'or' Joh' de Segave 't Margar' p'p' . . quior videl't fil' p'd'c'i Thom' nup duc' fil' Elizabeth' fil' p'd'c'or' Joh' de Segave 't Margaret' Et dic' q'd p'd'c'us Thom' de Mounbray miles nu'c sup'stes fuit etatis quatuor decim' annor' in festo S'c'i Lamb'ti ult' p't'it'." Precisely the same words as to the date of his own death are used in the Inquisition upon the Duke. There are also two other Inquisitions on his death taken respectively 12th and 13th Henry IV. In these the words are practically identical, the finding being: "Et dic' q'd p'd'c'us nup' dux obiit die Lune p'x' ante f'm S'c'i Mich' Arch' anno regni regis Ric'i S'c'di nup' reg' Angl' xxij<sup>cio</sup>." Consequently, there can be no doubt that the Duke did succeed his maternal grandmother in the Earldom which had been limited to heirs general. According to the "Catalogue of Honour," the Duchess was buried in the Minories. The "Complete Peerage" states that she was buried in the Grey Friars, London and (Vol. V., p. 261) quotes a monumental inscription there as follows: "Nobilis D'na, Dni Margareta Marchall, Comitissa Northfolk et D'na de Segrave quæ obiit 24<sup>o</sup> die Maii, anno d'ni 1389." The date on this inscription is manifestly wrong. Stow, Weever, and other reputed authorities, show she was entombed with her second husband, Sir Walter Manny, K.G. (Lord of the town of Manny, Diocese of Cambray beyond the Seas), in the church of the Carthusian Monks of the Charterhouse, London, founded by Sir Walter Manny in 1371.

At the death of Margaret, Duchess of Norfolk, the King revoked the Letters Patent by which he had empowered her grandson to receive his inheritances by attorney, and thus prevented his enjoyment of the vast revenues attached to the Earldom of Norfolk. The Duke of Norfolk died of the plague at Venice, on the Monday next before the feast of St. Michael the Archangel in September, 1399,

after his return from the Holy Land. He was buried at Venice, and though his son John left instructions in his will that his father's ashes should be brought to England, the request was not carried out until 1532, when his descendant, Thomas Howard, Duke of Norfolk, fulfilled the wishes of his ancestor.

For details of the Duke's benefactions reference should be made to Stonehouse and Grainge, and also to Dugdale's "Monasticon," and several other works.\* On the hearing of Lord Stourton's Petition, the Inquisition taken at Uppynham "die Lune p'x' ante f'm S'c'i Hillar' ep'i," in the 1st of Henry IV., before John Cope, Escheator for the Lord King in the counties of Northampton and Rutland, was produced in evidence, showing that the Duke died on the Monday next before the feast of St Michael the Archangel then last past, and that Thomas de Mowbray was his son and next heir, and was aged fourteen years on "festo Sci Lamberti" then last past.

\* James Tait, Doyle, Dugdale, Wylie, Beltz, Monk of Evesham, Walsingham, Froissart, Adam of Usk, "Chron. Angl.," Knighton, "Rot. Parl.," "Cont. Eccl. Hist.," "Fœdera," "Ord. P. C.," Routh, Wallon, Langland, "Archæologia," "Cal. State Papers," &c.

VII. THOMAS DE MOWBRAY (second DUKE OF NORFOLK), fourth EARL OF NORFOLK, and second EARL OF NOTTINGHAM, seventh LORD MOWBRAY, and eighth LORD SEGRAVE, all in the Peerage of England, EARL-MARSHAL OF ENGLAND and KNIGHT, was the eldest son and heir of Thomas de Mowbray, first Duke of Norfolk, K.G., by his second wife, Elizabeth FitzAlan, eldest sister and co-heir of Thomas FitzAlan, Earl of Arundel, and daughter of Richard FitzAlan, Earl of Arundel.

He was born on the 17th of September, 1385, and succeeded his father in September, 1399, at the age of fourteen, as Earl of Nottingham, Earl of Norfolk and Lord Mowbray and Segrave, &c. He was unquestionably *de jure* Duke of Norfolk, but the title of Duke of Norfolk appears to have been withheld from him upon the erroneous plea that, having been conferred upon his father in the Parliament of 21st Richard II., the proceedings in which were avoided by an Act of Parliament passed in the first year of Henry IV., the dignity of the Dukedom of Norfolk fell under that Act, and he was usually known under the style of Earl-Marshal, although his father was declared to have forfeited that office. Thomas, Duke of Surrey, was made Marshal of England, 30th of January, 1398, and the 17th of September, 1398. He was executed 6th of January, 1400. John Montagu, Earl of Salisbury, was made Deputy Earl-Marshal for three years the 23rd of September, 1398. He was executed the 7th of January, 1400. Ralph Nevill, Earl of Westmorland, was made Earl-Marshal of England 30th September, 1399.

Thomas Mowbray, at the time of his father's death at Venice, on the 22nd of September, 1399, had been page to Isabella, the child Queen of Richard II. A small income had been set aside from the revenue of the Gower Estates in Wales for his support and for that of his younger brother, John de Mowbray, and he was married towards the close of the year 1400 to the King's niece, Constance Holland, whose father, John Holland, Duke of Exeter, had been beheaded in the then preceding January. After the death of her husband Constance married Sir John Grey, K.G. (son and heir-apparent of Reginald, third Lord Grey de Ruthin), by whom (who died *v.p.* the 27th of August, 1439) she was mother of Edmund, Earl of Kent.

In 1405, Thomas de Mowbray, Earl-Marshal, joined the rebellion of Scrope, Archbishop of York, and other nobles, against King Henry IV. Grainge's account

of this in his "History of the Vale of Mowbray" is very interesting, and is therefore quoted :

"Mowbray and the archbishop betook themselves to arms before Northumberland was ready to join them, and mustered their forces, to the number of 11,000 men, at Skipton in the forest of Galtrees, near York. They published a manifesto, in which they reproached Henry with the usurpation of the crown, and the murder of the late king. They required that the right line should be restored, and all grievances be redressed.

Ralph Neville, earl of Westmorland, whose power lay at Sheriff Hutton in the neighbourhood, together with prince John of Lancaster, the king's son, came against them with an inferior force, 'and caused their standards to be pight down, as the archbishop had pight his, over against them. When the earl of Westmorland perceived the force of adversaries, and that they lay still and attempted not to come forward upon him, he subtly devised how to quail their purpose.\*' He desired a conference of the leaders, between the armies; the archbishop and Mowbray consented; Westmorland heard their grievances with great patience: he begged them to propose the remedies: he approved of every expedient which they suggested: he granted them all their demands: he also engaged that Henry should give them entire satisfaction: and when he saw them pleased with the facility of his concessions, he observed to them, that since amity was now in effect restored between them, it were better on both sides to dismiss their forces. 'Well,' said the earl of Westmorland, 'then our travail is come to the wished end: and where our people have been long in armour, let them depart home to their wonted trades and occupations: in the mean time let us drink together in sign of agreement, that the people on both sides may see it, and know that it is true that we be light at a point.' They had no sooner shaken hands together, but that a knight was sent straightways from the archbishop to bring word to the people that there was a peace concluded, commanding each man to lay aside arms and return to their houses. The people beholding such tokens of peace, as shaking of hands and drinking together of the lords in loving manner, brake up their field and returned homewards: but in the meantime whilst the people of the archbishop's side drew away, the number of the contrary party increased, according to order given by the earl of Westmorland; and yet the archbishop perceived not that he was deceived, till the earl of Westmorland arrested both him and the Earl Marshall, as well as divers others. Their troops being pursued, many were taken, many slain, and many spoiled of what they had about them, and permitted to go their ways."\*

\* Holingshed.



Mowbray (says James Tait), smarting under the exclusion from his father's honours, and perhaps urged on by his discontented Yorkshire neighbours, the Percys and Scropes, joined in the treasonable movements of 1405, and, on his own confession that he was privy to the Duke of York's plot for carrying off the young Mortimers from Windsor in that year, the King accepted his assurances that he had taken no active part in the conspiracy. Immediately afterwards the Earl-Marshal quarrelled with Richard Beauchamp, Earl of Warwick, who in a Council then held on the 1st of March claimed precedence of Thomas de Mowbray, Earl of Norfolk, as holder of the Earldom of Warwick, which he claimed to be of earlier creation. The King decided in Warwick's favour, and the Earl-Marshal withdrew in dudgeon to the North, where the Earl of Northumberland was already preparing for revolt. He joined Archbishop Scrope, of York, in formulating and publishing in that city a list of grievances in English, in one form of which the King was denounced as a usurper. These articles drew attention to most of the blots upon King Henry's administration, and some eight or nine thousand Yorkshiremen gathered round the Archbishop and the Earl as they marched northwards from York towards Thirsk, where Sir John Fauconberg and others of that neighbourhood were already in arms, probably aiming at a junction with the Earl of Northumberland and Lord Bardolf. But Prince John, the King's second son, afterwards Duke of Bedford, and Ralph Nevill, Earl of Westmorland, the Wardens of the Scottish Marches, dispersed Fauconberg's forces at Topcliffe, a lordship of the Percys near to Thirsk, and on the 29th of May intercepted the Earl-Marshal and Archbishop Scrope at Shipton Moor, five and a half miles north of York.

It was against the judgment and advice of the Earl that the Archbishop consented to the fatal interview with the Earl of Westmorland, at which the latter, feigning a spirit of friendly concession, induced the Archbishop to dismiss his followers, whereupon the leaders were seized and hurried off to Pontefract, where the King arrived from Wales on the 3rd of June. The leaders were afterwards brought to the Archbishop's house at Bishopthorpe, some two miles south of York; but King Henry's wrath was fanned by his half-brother, Thomas Beaufort, and by the Earl of Arundel, and the King resolved that the Earl of Norfolk and the others should die at the place where they had raised the standard of revolt. Beaufort, the Earl of Arundel, and the Chief Justice Gascoigne and other Commissioners, had then been appointed to try all persons concerned in this rebellion; and on the morning of Monday the 8th of June the King called upon Gascoigne to pass sentence upon the conspirators; but Gascoigne, then the Chief Justice of the King's Bench, refused to sit in judgment on a prelate in the person of the Archbishop. Sentence of death was consequently delivered in



the name of the Commissioners, without form of trial and without any attainder, by another member, Sir William Fulthorpe, a man learned in the law, though not a Judge. Whereupon, on the same day,\* which was the Feast of St. William of York, and a holiday in the city, Thomas de Mowbray, Earl of Norfolk, and Scrope, Archbishop of York, were led out to execution before a great concourse of people, to a cornfield under the walls of the town, which, according to one account, belonged to the Nuns of Clementhorpe. He had not reached the full age of 20 years, and it is related that he was encouraged by the Archbishop to keep a stout heart. He was beheaded before the Archbishop, his body being buried in the Grey Friars' Church; but his head was placed on a stake and fixed on Bootham Bar, and, according to an old legend, when the King, two months after, permitted it to be taken down, it was found to have retained all the freshness of life.† On the hearing of Lord Stourton's Petition, an Inquisition on Thomas Mowbray, "nup Comes Marescallus defunctus," taken after his death, was produced in evidence. It was erroneously filed in the Record Office as of the 8th Henry IV., but it was proved before the House of Lords that it ought to have been filed in the 14th year of that reign. It was taken at Kyrkton the Monday next after the Feast of the Apostles St. Simon and St. Jude, 14th (*quartodecimo*) Henry IV., before William Ulkerthorpe, Escheator for the Lord the King in the county of Nottingham. At the hearing of Lord Stourton's Petition, and in the printed "Minutes of Evidence," this Inquisition is attributed to Thomas, Duke of Norfolk, father of the Thomas known as "Earl-Marshal," but there can be no doubt it really refers to the latter. The Inquisition shows that his brother John, then Earl-Marshal and Earl of Nottingham, in the custody of the Lord King, was the next heir, being then aged 21 years and upwards. It was shown at the same time that there were three other Inquisitions, which have been already referred to, taken in 1st, 12th and 13th Henry IV., but these others were correctly attributed to Thomas de Mowbray, Duke of Norfolk, father of Thomas and John, Earls-Marshals and Earls of Nottingham. One was taken at Westminster, on the 29th of May, 12th Henry IV., before John "Whithed," Escheator for the Lord King in the county of Middlesex, in which the Duke was described as Thomas, "nup dux Norff defunctus." This Inquisition relates entirely to the office of Earl-Marshal, and shows that he died, as we have already seen, on the Monday next before the Feast of St. Michael the Archangel, in the 23rd of Richard II., and that John was, at the time of the Inquisition, his son and next heir, aged 20 years at the Feast of St. Lawrence last past. Another Inquisition on the same deceased Duke of Norfolk was taken at Westminster on the

\* The date of the Execution is given in the "Complete Peerage," however, as the 10th of June, 1405.

† James Tait, Ord. Privy Council, "Fœdera," Giles's "Chron.," Wallon's "Ric. II.," Exchg. Records, Davies' "Chron.," "Ann. Henry IV.," "Rot. Parl.," "Eulogium," "Anglia Sacra," Stubbs's "Constit. Hist.," Murray's "Yorkshire," &c.

30th of November, 13th Henry IV., before the same Escheator, John "Whytehed," which gives the same particulars as to the Duke's death and heir as in the last Inquisition, but gives the age of John de Mowbray as 21 years at the Feast of St. Lawrence last past. These Inquisitions have been quoted here to show that Thomas de Mowbray was not only succeeded by his brother John, but that several Inquisitions of their father, Thomas, Duke of Norfolk, were taken after Thomas, the elder son and heir, was himself deceased, and when John, his brother and heir, was found to be heir to his late father. Thomas, Earl of Nottingham and Norfolk, and Earl-Marshal, having died without issue, was accordingly succeeded by his brother John.

VIII. JOHN DE MOWBRAY, third DUKE OF NORFOLK, fifth EARL OF NORFOLK, and third EARL OF NOTTINGHAM, eighth LORD MOWBRAY, and ninth LORD SEGRAVE, all in the Peerage of England; EARL-MARSHAL of England, and KNIGHT OF THE GARTER, was the second son of Thomas de Mowbray, first Duke of Norfolk, K.G., by his second wife, Elizabeth FitzAlan, eldest sister and co-heir of Thomas FitzAlan, Earl of Arundel, and was next brother and heir of Thomas de Mowbray, *de jure* 2nd Duke of Norfolk, usually known as the Earl-Marshal.

In the 14th of Henry IV., under a commission dated at Westminster the 10th of November, an Inquisition was taken at Calais, the 1st of December following, to ascertain the age of John de Mowbray, described as "Comes Marescallus frat' t' heres Thome Moubray nup' comitis Marescall' defuncti," &c. Various witnesses were called who testified that he was born at Calais on the 3rd day of August in the 14th year of King Richard II. (1390), and was baptized on the Vigil of St. Lawrence next following in the Church of the Blessed Virgin Mary in that town.

He succeeded his brother as Earl of Nottingham, Earl of Norfolk and Earl-Marshal, and Lord Mowbray and Segrave, the ducal title having been erroneously withheld since the death of his father upon the mistaken plea that, it having been conferred in the Parliament 21 Richard II., the proceedings in which were avoided by an Act passed in 1 Henry IV., the dignity of Duke of Norfolk fell under that Act. Consequently until 1424 he was known as "Earl-Marshal." In 1407 he was under the care of his great-aunt, the widow of Humphrey de Bohun, Earl of Hereford, and mother-in-law of King Henry IV., who was guardian of the Earl-Marshal. A yearly sum of £200 was allowed for his support, which was double the provision previously made for him since the death of his father. In March, 1410, the King took the Earl into his own charge, but sixteen months later transferred him to that of Ralph Nevill, the first Earl of Westmorland, whom he had, in 1399, invested for life with the office of Marshal. The Earl of Westmorland, who was systematically marrying his daughters to the heirs of the other great houses, at once contracted the Earl-Marshal to Katharine, his eldest daughter by his second wife, Lady Joan Beaufort, the King's half-sister (the legitimate daughter of John (Plantagenet) "of Gaunt," Duke of Lancaster), and the marriage license (the ceremony to take place at Raby) bears date the 12th of January, 1411-12.

In the 14th year of the reign of Henry IV., on the 4th of March, as appears from the Close Roll of that year, John de Mowbray, Earl-Marshal, as brother and heir of Thomas Mowbray, late Earl-Marshal, deceased, had a grant of the livery of the lands of his said late brother, as well those held of the Crown in chief as of those held of various persons who held in chief of the Crown. It was not until a fortnight before King Henry's death that the Earl-Marshal was given livery of his lands. The lands to which the Earl thus succeeded were extensive, the Writs being addressed to the Escheators of the Crown in the counties of Norfolk and Suffolk, Northampton and Rutland, Bedford, Warwick and Leicester, Huntingdon, Worcester, Nottingham, Lincoln, Hereford and the adjoining marches of Wales, Gloucester and the adjoining marches of Wales, Essex, York, Sussex, Middlesex and Kent, to the Mayor of London, the Mayor of Calais, and the Chancellor of Ireland. The Writs are dated the 4th day of March, 14th Henry IV.

He was summoned to Parliament in the same month, the 22nd of March (1412-13), 1st of Henry V., as "Earl-Marshal," the Writ being directed to "Comiti Marischallo." This, which is almost a unique case, would, according to the authoritative statement of "G. E. C." in the "Complete Peerage," "appear to have *cr. a peerage dignity* (similar to that of the 'Earl-Marischal' in Scotland) as *Earl-Marshal*." (See Vol. VI., page 42.) Elsewhere (Vol. V., page 261), when dealing specifically with the office of Marshal, the same author remarks: "This office alone, of all the great offices of England, has the prefix of 'Earl.' It is not, however, contended that such prefix would of itself indicate a Peerage dignity, though it is difficult not to allow such dignity to John Mowbray after his summons to Parl., 22 March, 1412-13, by writ directed 'Comiti Mareschallo.'" The Coronation Claims of the 1st Henry V. show that he, described as "John Mowbray, Earl of Nottingham and Marshal of England, son of Thomas, Duke of Norfolk and Marshal of England," acted at the Coronation as Marshal of England, an hereditary office originally granted to his ancestor, Thomas de Brotherton, Earl of Norfolk and Marshal of England, and confirmed by subsequent grants which have been detailed.

It is therefore evident that the office of "Marshal," as well as the dignity of Earl-Marshal, had reverted to him.

When the King discovered the plot of the Earl of Cambridge on the eve of the expedition to France in July, 1415, the Earl-Marshal was the chief member of the Judicial Commission which investigated the conspiracy, and he was one of the Peers who, on the 5th of August, passed sentence upon the Earl of Cambridge and Lord Scrope. A few days later he accompanied the King to France, taking part in the siege of Harfleur at the head of fifty men-at-arms and 150 horse archers.

The Earl, however, was presently seized with illness, and returned to England, and therefore the statement that he was present at Agincourt is probably erroneous. Nevertheless from the summer of 1417 he was constantly in France, taking a prominent part in the siege of Caen in August, 1417, and in that of Rouen twelve months later. At the beginning of 1419 the towns of Gournay and Neufchâtel in Bray, between Dieppe and Beauvais, were placed in his charge; and, in April and May of the following year, he, with the Earl of Huntingdon, covered the siege of Fresnay le Vicomte, in Maine, by the Earl of Salisbury. On the 16th of May they routed the Dauphin's forces near Le Mans, slaying 5,000 men, including 100 Scots. The Earl-Marshal was present at the protracted siege of Melun, which began in July. He returned to England, and on the 21st of February, 1421, he bore the second sceptre at Queen Catharine's Coronation. King Henry appointed him Governor of Pontoise before his departure, and in the middle of April the Earl witnessed a document at Rouen; so that his stay in England must have been brief. Shortly afterwards, on the 3rd of May, he was appointed a Knight of the Order of the Garter, at the vacancy caused by the death of Sir John Grey. John de Mowbray, Earl-Marshal, was a Privy Councillor, and was present at the Council on the 5th of November, 1422, when it was decided that the Duke of Gloucester should conduct the first Parliament of Henry VI., as Royal Commissioner, and on the 9th of December the Earl-Marshal was nominated one of the five Earls in the new Council appointed to carry on the Government with the Protector. In May, 1423, the Earl, together with Lord Willoughby, took reinforcements to France, and afterwards assisted the Burgundian Commander, John of Luxembourg, in expelling the French from the districts of Laon and Guise. The Earl, with only 600 English, scattered the force of the Count de Toulouse, driving a part into the Fortress of La Follie, which he captured and destroyed. In November, 1424, he joined the Duke of Gloucester in his impolitic invasion of Hainault, and in the last days of the year ravaged Brabant up to the walls of Brussels, returning with Gloucester to England in time for the Parliament which met on the 30th of April, 1425. On the hearing of Lord Stourton's Petition, the Parliament Roll for 3rd Henry VI. was adduced in evidence.

The Earl-Marshal almost immediately endeavoured to obtain the recognition of his proper precedence. But, as will be seen from the copy of his petition, he seemed to be a great deal more concerned to have precedence, somehow or other, "above my cousyne of Warwyk as I and all my ancestres 't p'decessours have had at all tymes of which no mynde is ye contrie as erles of Northfolk as well for ye blode riall and armes rialx yat I am come fro 't bere," than to originally assert his right to the Dukedom of

Norfolk, which was then evidently considered open to doubt, probably due to the supposed forfeiture by, or illegal grant to, his father. His petition, which is of considerable interest, will be found hereunder. It will be seen that he claimed to sit above the Earl of Warwick merely as Earl of Norfolk, whilst he also put in a distinct claim to be Duke of Norfolk. And it is especially worthy of note that one of the chief arguments he advanced was his royal descent and royal arms. Now, if this argument is of any real weight, it is not unlikely that it was advanced in 1640, 1670 and 1677, when the question of the precedence of the Barony of Mowbray was under consideration. If it was of effect at that time, why not at the present day? The Arms of the Mowbray family are a subject of great interest, and will be found considered at length later. The petition of the Earl-Marshal was as follows :

" Our Sov'ain Lord like it your noble grace to be remembred howe I Joh'n Erle Marescall' have sued in div'ses your p'lements in tyme of your g<sup>a</sup>ciousse regne desirying to have declaracion made for my place in yis your hie court of p'lement above my cousyne of Warwyk as I and all my auncestres 't p'decessours have had at all tymes of which no mynde is ye contrie as erles of Northfolk as well for ye blode riall and armes rialx yat I am come fro 't bere as for ye said Erldome as by div'ses evidenses writynges and recordes in yis your p'sent p'lement declared fully in my conseit ys proved which p'ves notwithstanding yat hie and myghti prince my lord of Glouc' y<sup>r</sup> bealuncle and yo<sup>r</sup> oy' lordes by your hie auctorite in your p'lement assembled for div'ses causes hem moevyng will not take upon hem declaracion for my said place Wher upon ye c'o'e of your realme at yis tyme by your comaundement callid to yis your riall court of p'lement seying yis delaye of which were like to grow unease and unfrendely love betwene me and my said cousyn' of Warr' hav in all humble wise instanced your innocent and benygne sov'ain lordship' consideryng howe yei here sey by c'o'e langage yat I shuld be born' to be duc of Norffolk which if so were your seid c'o'e supposeth shold make finall conclusion' of ye det'minacion of my seid place above my seid cousyn of Warr' at ye rev'ence of whiche c'o'e as wel as for ye desire yat I love to have peas rest and t<sup>a</sup>nquillite with my said cousyn of Warr' and in especiall desirying to save ye right and inh'itaunce of me and my heiers yat God of his grace hath suffred me to be borne un to cleyme to be duc of Norfolk declaryng to your noble grace to yat hie and myghti prince yo<sup>r</sup> bealuncle my lord of Glouc' and to all yo<sup>r</sup> oy' lordes in yo<sup>r</sup> p'sent p'lement assembled howe yat yt liked to kynge Rychard ye Seconde afte' ye Conquest your worthi p'decessour for div'ses notables causes him moevyng in his p'lement holden' at Westm' ye xxix day of Septemb'r ye yere of his regne xxj by his l'res patents to cree Thomas yat tyme Erell of Notyngham and Marescall' of Ingelond in to duc of Norff' with ye stile title name and worship' to ye same duchie appendant to have ye said stile title name and



worship' to ye said duc and to his heiers males of his body com'ying for ev'more and ov' that ye said kyng Rychard yat same tyme by his said l'res patentes graunted to ye said duc and his heirs males of his body com'ying for ye better sustentacion of ye said stile title name and worship' xl marc' yerly to be take in his Eschequier at ye festes of Pasq' and Seint Michell' whiche Thomas duc hadde issue Thomas and me and of yis stile title name and worship' and annuell' rent of xl mark' ye said Thomas duc dyed seised in tyme of ye saide kyng Richard after whos decesse ye said stile title name worship' and annuell' rent of xl marc' descended to ye said Thomas ye sonne as sonne and hier which Thomas ye sonne died y'of seised withinage and withoute issue of his body com'ying after whos decesse ye saide stile title name worship' and annuell' rent of xl marc' descended to me as broy' and heir be force of ye said creacion' 't graunt And so I clayme to be duc of Norfolk 't to have ye stile title name worship' and annuell' rent of xl marc' aforesaid. And yat I may by yo<sup>r</sup> own sov'ain lord my saide worthi lord yo<sup>r</sup> bealuncle 't all' yo<sup>r</sup> oy' lordes be so reputed holde 't declared in yis your riall' court and to have and enjoie my place y'to accordant saving alweis ye title right and possession' of me and myn heirs of myn body com'ying as Erels of Norfolk to my place in yis hie court above my said cousyn of Warr' and his heirs by cause ye name of duc of Norff' is tailed to me and to my heirs males of my body com'ying and ye name of Erel of Norff' is tailed to me and to my heirs of my body com'ying gen'aly. Besechyng mekely unto yo<sup>r</sup> hie and noble g<sup>ace</sup> yat yis my supplicacion and all oy' mat'es in to yis yo<sup>r</sup> said p'lement by me and myn counsell notified mynystred and declared in proef of my place for to be hadde as Erell' of Norff' above my said cousyn of Warr' may be in yis yo<sup>r</sup> p'lement entred and of record enacte."

The foregoing petition, with an account of the proceedings in Parliament, are entered on the Parliament Roll of the 3rd Henry VI. It would appear that any decision upon the vexed point of the relative precedence of the Earldoms of Norfolk and Warwick was carefully refrained from, but it was decided that the Earl-Marshal was of right Duke of Norfolk under the Letters Patent creating that dignity granted to his father and bearing date the 29th of September, 1397. This naturally gave him the precedence he desired. Therefore, on the 14th of July, John de Mowbray, theretofore known as Earl-Marshal, did his homage as Duke of Norfolk. On the death of his mother, the Duke of Norfolk entered into immediate possession of her rich jointure estates lying in Norfolk and Suffolk, and from that time Framlingham Castle, Co. Norfolk, became his chief seat. In March, 1426, the Duke of Norfolk, with eight other Peers, undertook to arbitrate between Gloucester and Beaufort, and on the 3rd March, 1428, he helped to repel the Duke of Gloucester's attempt to assert "auctorite of governance of the lond." On the night of the 8th of November



following the Duke of Norfolk narrowly escaped drowning by the capsizing of his barge in passing under London Bridge. On the 6th of November, 1429, he officiated as Earl-Marshal at the Coronation of King Henry VI. With many other nobles, he accompanied the King to France in the April following, and he is found in company with Duke Philip of Burgundy at the surrender of Gournay en Aronde, distinguishing himself, during the summer, in the capture of Dammartin and other places in France. The Duke of Norfolk was in London when the Duke of Gloucester effected a change of Ministers at the end of February, 1432. On the 7th of May following, he, with other Peers, was warned not to bring a greater retinue than usual to the approaching Parliament. He attended a Council early in June, but died on the 19th of October following (1432), aged forty-two, at the ancient seat of his family at Epworth, in the Isle of Axholme, being buried by his own direction in the neighbouring Abbey, which his father had founded. Leland states that he saw an alabaster tomb there which may have been his. It appears by a will of the 20th of May, 1429, that he directed that his father's ashes were to be brought from Venice and laid beside his own, but no such direction is contained in his last will, which was made on the day of his death, and which is printed at length in the "Royal Wills." He devised all his estates in the Isle of Axholme, and in Yorkshire, with the castles and honours of Brember in Sussex and Gower in Wales to his wife for life, and in addition she had for her jointure his manors in Norfolk and six other counties.\* His widow married secondly Sir Thomas Strangways, and thirdly (as his second wife) John (Beaumont) Viscount Beaumont, who was slain the 19th of July, 1460. She married fourthly and finally about 1461, when an old woman, Sir John Wydville (who was some fifty years her junior), a brother of Elizabeth, Queen Consort of King Edward IV. Sir John Wydville was put to death with his father in 1469. Of the Inquisitions taken after the death of the Duke of Norfolk two were produced in evidence at the hearing of Lord Stourton's Petition. One was taken in Westminster, in the county of Middlesex, the 26th of January, 11th of Henry VI., before Alexander Anne, Escheator for the King in the county of Middlesex. In this he was described as John, late Duke of Norfolk deceased. It was found that he died on the 19th of October then last past, and that John de Mowbray, Knight, was then Duke of Norfolk, and his son and next heir, and was aged seventeen years on the 12th September then last past. The second Inquisition was taken at Nottingham, before Thomas Babynton, Escheator for the King in the county of Nottingham, on "die Lune p'x' post f'm Sci Hillar'," of the same year, giving the same particulars as to the name and date of death and the name and age of his heir. Thomas, Duke of Norfolk, was therefore succeeded by his son, Sir John de Mowbray.

\* James Tait, Ord. P. C., "Testa. Ebor.," "Rot. Parl.," Doyle, Beltz, "Paston Letters," English Histories, &c.

IX. JOHN DE MOWBRAY, fourth DUKE OF NORFOLK, sixth EARL OF NORFOLK, fourth EARL OF NOTTINGHAM, EARL-MARSHAL, ninth LORD MOWBRAY, and tenth LORD SEGRAVE, all in the Peerage of England, Marshal and Hereditary Earl-Marshal of England, Knight of the Order of the Garter, and Knight Bachelor, was the eldest son and heir of John (de Mowbray), 3rd Duke of Norfolk, K.G., by his wife, Katharine, daughter of Ralph (Nevill), Earl of Westmorland, and succeeded his father the 19th of October, 1432. He was born the 12th of September, 1415, and before he had reached the age of eleven years he figured in a ceremony designed to mark the reconciliation of Humphrey, Duke of Gloucester, and Bishop Beaufort. He was knighted by Henry VI. on Whitsunday, the 19th of May, 1426. Being under age at the time of his father's death, his estates were in the custody of Humphrey, Duke of Gloucester, until 1436, although he had been summoned to the Council in November, 1434. In August, 1436, the Duke of Norfolk served under the Duke of Gloucester in the army which had been intended to relieve Calais, but which arrived after the Duke of Burgundy had raised the siege, and made an inglorious raid into Flanders. The onerous post of Warden of the Eastern Marches towards Scotland and of Berwick, was in March, 1437, entrusted to the Duke of Norfolk for a year, and at the end of that time he was appointed a guardian of the truce concluded with the King of Scotland. In 1439 he was appointed one of the English Ambassadors at the great Peace Conference near Oye, between Calais and Gravelines. The Duke of Norfolk, in the summer of 1441, was ordered to inquire into the Government of Norwich, in consequence of disturbances in that city, which were renewed the following year, when the populace, irritated by the exactions of the Prior of Christchurch, held the town against the Duke of Norfolk. When the riot was quelled the civic franchises were withdrawn, and the Duke, by the Royal Command, installed Sir John Clifton as Captain of the city. The Duke of Norfolk was specially thanked on the 5th of March, 1443, by the Council for his services. On the 11th of March, 1445 (as is proved by the Patent Roll for 23rd Henry VI.), he obtained confirmation\* by the King's Letters Patent of the Dukedom of Norfolk, conferred on his grandfather by Charter of the 21st Richard II., with precedence next to the Duke of Exeter, whose creation was of the same date. It should not be

\* Printed in full in the Minutes of Evidence of the Mowbray and Segrave Case.

forgotten that the Dukedom of Norfolk had previously received Parliamentary recognition in 1425 during the minority of King Henry VI. In October, 1446, he obtained permission to go on a pilgrimage to Rome and other holy places; but he returned in time to act as Joint Ambassador to France in July, 1447, to treat of the surrender of Maine. In 1450, Richard, Duke of York, came over from Ireland, after the murder of the Duke of Suffolk, and entered into rivalry with Edmund Beaufort, Duke of Somerset, for the direction of the Royal Policy. The Duke of York's wife, Cecily Nevill, was the youngest sister of the Duke of Norfolk's mother, while his own wife, Eleanor Bouchier, was sister of Viscount Bouchier, who had married the sister of the Duke of York. It was therefore natural that the Duke of Norfolk should at once become the chief supporter of the Duke of York, to whom he was thus connected by a double family tie. It is not unlikely also that the Duke of Norfolk may have been himself aggrieved that the Duke of Somerset had been expressly given precedence above himself on the ground of "nighness of blood and great zeal to do the King service." About the middle of August, before the Duke of York's actual return, the Duke of Norfolk journeyed to his chief seat, Framlingham Castle, whither he summoned "certain notable Knights and Squires" of Norfolk, to commune with him for the "sad rule and governance" of that county, "which standeth right indisposed," so that in the early days of September it was rumoured in Norwich that, along with the Earl of Oxford, Lord Scales and others, he had been entrusted with a commission of Oyer and Terminer to inquire into the wrongs and violences that prevailed in Norfolk. He met his uncle, the Duke of York, at Bury St. Edmunds, on Thursday, the 15th of October, and after being together until after nine of the clock on Friday, they decided who should be Knights of the Shire for Norfolk in the Parliament summoned for the 6th of November following, but only one of their nominees was returned. A week after the meeting at Bury, John Paston was ordered by the Duke to join him at Ipswich on the 8th of November, on his way to Parliament, "with as many cleanly people as ye may get for our worship at this time," so that about the 18th of November the Dukes of Norfolk and York arrived in London, both with a great multitude of retainers. In this manner the Duke of Norfolk supported his kinsman in the struggle for supremacy which ensued with the Duke of Somerset. In March, 1451, he held sessions of Oyer and Terminer at Norwich, and in July the Dukes of Norfolk and York were ordered to meet the King at Canterbury, but although the Duke of Norfolk did not apparently join his uncle in the latter's futile armed demonstration of February, 1452, he nevertheless thought it desirable to take advantage of the King's Good Friday amnesty, and sued out a pardon on the 23rd of June. At the instance of the Duke of Somerset and Queen Margaret, he dismissed some of his advisers who owed goodwill and service

unto the Duke of York and others, for in Norfolk, where the Duke of Norfolk declared his intention of bearing the principal rule and governance next the King, being addressed as "your Highness," and "Prince and Sovereign next unto our Sovereign Lord," the interests of the Duke of Norfolk were in some cases opposed to those of the friends of the Duke of York. When King Henry VI. became insane, in the autumn of 1453, the Duke of Norfolk demanded an inquiry into the administration of the Duke of Somerset, but by January, 1454, if not earlier, his influence with the Duke of York had been overshadowed by that of the Nevills. He was not appointed to any office when the Duke of York became Protector, and was not called to the Council until the 16th of April. Even after that date he was rarely present thereat, although in July he was ordered to be prepared to prove his charges against the Duke of Somerset on the 28th of October following. He is said to have come up to London with six thousand men the day after the Battle of St. Albans, the 22nd of May, 1455, so that he was not present at that battle, the first in the disastrous catalogue which make up the Wars of the Roses. In November, 1456, he made a pilgrimage on foot from Framlingham to the shrine of Our Lady at Walsingham, and in August, 1457, he asked for, and obtained, permission to go on a pilgrimage to various holy places in Ireland, Scotland, Brittany, Picardy, and Cologne, and to the blood of our Saviour at Windesnake, as well as to Rome and Jerusalem, for the recovery of the King's health. In January, 1458, he was summoned to a Council, and in February, 1459, he was commissioned to raise forces in Norfolk and Suffolk to resist an expected landing of the Earl of Warwick in that district. He was immediately afterwards appointed a guardian of the truce with Scotland. As a Lancastrian, on 11th of December, 1459, he took the special oath to the Lancastrian succession, and he is believed to have been one of the Peers who in October, 1460, refused to transfer the Crown to the Duke of York. He shared the Earl of Warwick's defeat by Queen Margaret's troops at St. Albans on the 17th of February, 1461. Escaping from that battle, the Duke of Norfolk was present at the meeting of the Yorkist Peers at Baynard's Castle, on the 3rd of March, at which it was decided to place Edward, Duke of York upon the throne of England, and he accompanied him the next day to his enthronement at Westminster, going North shortly afterwards with King Edward, on whose side the Duke of Norfolk fought at the Battle of Towton, on the 29th of March, "like a second Ajax," says the classical Whethamstede. On the 5th of June he was back at Framlingham, and on the 28th he officiated as Earl-Marshal at the Coronation of King Edward IV. On the 11th of July he was rewarded with the offices of Steward and Chief Justice in Eyre, south of the Trent, and he was appointed Constable of Scarborough Castle on the 12th of August following. The King rebuked the Duke for having forcibly seized from

John Paston Sir John Fastolf's Castle of Caistor near Yarmouth, and compelled its restoration. John de Mowbray, fourth Duke of Norfolk, died on the 6th of November, 1461, and was buried at Thetford Priory. He had married Eleanor, sister of Henry, Earl of Essex, and daughter of William, Lord Bourchier, Count d'Eu, in Normandy, by his wife, Anne, Dowager Countess of Stafford, daughter of Thomas (Plantagenet), of Woodstock, Duke of Gloucester, and grand-daughter of King Edward III.

In the printed Minutes of Evidence in the Mowbray and Segrave Peerage Case there are two Inquisitions upon the death of the Duke of Norfolk. One was taken at Nottingham on the 29th of October, 2nd Edward IV., before Thomas Chaworth, Esquire, Escheator for the King in the county of Nottingham, in which the Duke was described as John, late Duke of Norfolk. The Inquisition proves that he died in "*festo S<sup>c</sup>i Leonardi Abbatis*," 6th of November, 1st Edward IV., and that John de Mowbray, Knight, then Duke of Norfolk, was his son and next heir, and was aged eighteen years in "*festo S<sup>c</sup>i Luce Evangeliste*" then last past. The second was taken at St. John Street (Clerkenwell), in the county of Middlesex, on the 12th of December, "*Edwardi Quarti primo*," before John Grene, Esquire, Escheator for the King in the county aforesaid, giving similar particulars save that the age of the heir is of course entered as seventeen years; this Inquisition having been taken in the previous year. John, 4th Duke of Norfolk, was therefore succeeded by his son, the said John de Mowbray.



X. JOHN DE MOWBRAY, fifth DUKE OF NORFOLK, seventh EARL OF NORFOLK, fifth EARL OF NOTTINGHAM, first EARL OF SURREY and WARRENNE, EARL-MARSHAL, tenth LORD MOWBRAY, and eleventh LORD SEGRAVE, all in the Peerage of England, Earl-Marshal of England, Knight of the Order of the Garter, and Knight of the Bath, was the only son and heir of John, 4th Duke of Norfolk, by his wife Eleanor, sister of Henry (Bourchier), Earl of Essex, daughter of William Count d'Eu, in Normandy, by Anne his wife, Dowager-Countess of Stafford, daughter of Thomas (Plantagenet) "of Woodstock," Duke of Gloucester. He was born the 18th of October, 1544, and succeeded his father in his hereditary dignities on the 6th of November, 1461, being then described at "Joh'es de Moubray miles, nunc dux' Norff'."

As appears by the Charter Roll for the 29th of Henry VI., he was in his father's lifetime created, on the 24th of March, 1451, Earl of Surrey and Warrenne, with remainder to the heirs male of his body. This was probably due to the fact that his grandmother, Elizabeth FitzAlan, was sister and eventually co-heir of Thomas FitzAlan, Earl of Arundel and Earl of Surrey. He was made a Knight of the Bath the 27th of June, 1461. He was summoned to Parliament on the 28th of February, 1467, and made a Knight of the Garter the 24th of April, 1472. He was one of the Captains appointed for the invasion of France from June to September, 1475. He does not appear to have taken the prominent position in the public affairs of the kingdom that his ancestors had hitherto done. He married before the 20th of October, 1462, Lady Elizabeth Talbot, daughter of John Talbot, first Earl of Shrewsbury, by his second wife, Margaret, daughter and co-heir of Richard Beauchamp, Earl of Warwick, and of this marriage there was an only child and heir, Anne. The Duchess of Norfolk, by her will dated the 6th of November, 1506, which was proved the 28th of June, 1507, directs her burial to be in "the Nun's quire" of the Minories, Aldgate. John de Mowbray, 5th Duke of Norfolk, died suddenly at his castle of Framlingham on the 17th of January, 1475-76, aged 31, and was buried at Thetford. "Like it you to weet, that, not in the most happy season for me, it is so fortun'd that, whereas my lord of Norfolk, yesterday being in good health, this night died about midnight, wherefore it is for all that loved him to do and help now that may be to his honour and weal to his soul."\* His will, signed "M. Norff'," is dated the 28th of October, 1461. On

\* "Sir John Paston, Knight," vol. ii., p. 187.

the hearing of Lord Stourton's Petition, an Inquisition Post-Mortem was produced in evidence which was taken at the Castle of Cambridge, in the county of Cambridge, the 11th of October, 17th of Edward IV., before William Cheyne, Escheator for the King in that county.

Under the Inquisition it was found that John, late Duke of Norfolk, died the "die Mart' p'x post festum Eph'ie D'ni anno regni d'ni regis Edwardi p'd'c'i quinto decimo" and that "Anna D'na de Mowbray," was his daughter and next heir, and was aged four years on the 10th day of December last past.

With the death of John, fifth Duke of Norfolk, the male line of the second house of Mowbray came to an end, and the Dukedom of Norfolk, the Earldom of Nottingham and the Earldom of Surrey and Warenne, which were limited to heirs male, became extinct. The hereditary *office* of Earl-Marshal and Marshal of England (which had been re-granted to Thomas, 1st Duke of Norfolk, and the heirs male of his body) presumably lapsed to the Crown. The *Peerage dignity* of "Earl-Marshal" probably survived. The Earldom of Norfolk and the Baronies of Mowbray and Segrave passed to his only child, Anne.



XI. ANNE (DE MOWBRAY), DUCHESS OF YORK and NORFOLK, &c., *suo jure* (eighth) COUNTESS OF NORFOLK, (eleventh) BARONESS MOWBRAY, and (twelfth) BARONESS SEGRAVE, was the only child of John de Mowbray, fifth Duke of Norfolk, by his wife Elizabeth, daughter of John Talbot, first Earl of Shrewsbury, and succeeded her father the 17th of January, 1475-76.

The learned "G. E. C.," in his "Complete Peerage," also describes her as "presumably Countess-Marshall." The *office* either of Marshal or of "Earl-Marshal" (in its feminine equivalent) she certainly did not possess, for in the grant thereof of the 12th of January, 9th of Richard II., to Thomas, then Earl of Nottingham, "the office with the name and honour of Earl-Marshal" was distinctly limited to the heirs male of his body. Camden states that between 1476 (when John de Mowbray, 5th Duke of Norfolk, died) and 1483 (when John Howard, Lord Howard, was created Duke of Norfolk and Earl-Marshal) the office was held by "Sir Thomas Grey, Knt." (probably Sir Thomas Grey, Marquess of Dorset). But "G. E. C." adds an explanatory note that "The Writ of Summons to Parl. 22 March, 1412-13 (1 Hen. V.), directed 'Comiti Marechello' would appear to have *cr.* a *Peerage dignity* (similar to the 'Earl-Marischall' in Scotland) as Earl-Marshal." If that be what actually happened, the Duchess of York would therefore have inherited *the Peerage dignity* of Countess-Marshall, which is the view adopted by "G. E. C." It is worthy of note that Thomas, Earl of Nottingham, was summoned to Parliament 11th Richard II., as "Thome de Moubray comiti Marescall' t' Notyngh'," and in the 21st Richard II. as "Thome comiti Notyngh' Marescallo Angl'." Though he was Marshal of England in the 7th year of Richard II., his Writ of Summons to Parliament in that year is directed to him as "Thome de Moubray comiti Notyngh'," and it is worth the passing thought whether the Charter of the 12th of January, 9th Richard II., carried with it any intention of the erection of the office into a Peerage dignity. If that were the case, the Writ being issued for an existing Peerage would of itself possess no creative character, and the Peerage dignity, together with the office, would have expired with the extinction of the heirs male.

Anne de Mowbray was born the 10th of December, 1472, and at the age of 5 years was married at St. Stephen's Chapel, Westminster, on the 15th of January, 1477-78, to

Richard (Plantagenet), Duke of York (second son of King Edward IV.), who, in anticipation of such marriage, had been created on the 12th of June, 1476, Earl of Nottingham, and on the 7th of February following, Duke of Norfolk and Earl Warenne. Anne, Duchess of York and Norfolk, died an infant and without issue in the lifetime of her husband, on the 16th of January, 1480-81, and was buried in Westminster Abbey.

Her husband, Richard "of Salop," Duke of York and Norfolk, was born at Shrewsbury in 1472. The Parliament Roll for the 17th of Edward IV. contains an Act of Parliament relating to the Duke's marriage with Anne, "daughter and heire to John, late duc of Norff'." In this Act the Prince is described as "duc of York and Norff', Erle Marshall, Waren and Notyngham." No specific grant of the office of Earl-Marshal to the Duke of York and Norfolk is known, and his description herein as such would seem to argue his possession of the office or the dignity in right of his wife, in which case it might be possible that the original grant to Thomas of Brotherton and his heirs general was held to override any later limitation to heirs male. By the above Act the King's "intierly beloved son" was to marry this great heiress "to the grete honoure of her and of her blode." The Act may be regarded as a settlement of the Mowbray estates, "for so moche as the same Anne is but nowe of the age of vj yere and the lyf of ev'y creature is uncertayn and specially of tho that be of such tender age," the Act provided that "if the seid Anne fortune to decesse before any issue had bitwene her and the same duc of York and Norff' which defende that than' the same duc have holde and enjoye to hym for terme of his life the halvendele of the castell towne lordship' and maners," &c. Then follows a long list of manors and properties. The Act also gave the Duke (in the event of Anne his wife predeceasing him without issue) a life interest after the death of Katharine, Duchess of Norfolk (widow of John, 3rd Duke of Norfolk, and daughter of Ralph Nevill, Earl of Westmorland), in the manors and lands which she held as her jointure. The Act further recites that in consideration of the fact that Elizabeth, Duchess of Norfolk (mother of Anne, Duchess of York and Norfolk), "for and to the wele of the forseid noble duc of Yorke and Norff' and Anne her daughter graunted and aggreed to forbere and leve grete' parte of that to hir belongid of her seid joynto' and dower of thenh'itaunce of the seid late duc her husband And to take and hold her content w<sup>th</sup> a lesse parte therof," the possession was thereby confirmed to her of a catalogue of manors and lordships which after her gift to her daughter must have left her a very wealthy woman. After her death these were to go to Richard, Duke of York and Norfolk, for the term of his life if his wife predeceased him. The manors of "Coldov'ton Segrave and Melton Mowbray" were two of the list in the possession and quiet enjoyment of

which Elizabeth, Duchess of Norfolk, was confirmed. The Act, which is of considerable length, is printed in full in the Minutes of Evidence of the Mowbray and Segrave Peerage Case, but there are two clauses of special interest which should be noted: "Provided also that this acte or eny oder acte made or to be made in this p'sent parlement be not in any wise hurtfull or p'judiciall unto John lord Howard and Margaret his wyff of or for," &c., and "Provided also that this present acte in no wise extende nor be prejudiciall to any gift graunte or confirmation afore this tyme made to Jane nowe lady Berkeley wife to William lorde Berkeley."

The "Originalia Roll" for the 20th of Edward IV. shows that on the 17th of April following Receivers were appointed of all the manors, lands, and tenements of Richard, Duke of York and Norfolk, and Anne his wife, daughter and heir of John de Mowbray, late Duke of Norfolk; and a similar roll for the next year shows that on the 10th of November then instant a similar appointment was had for the Duke alone. The Receiver was at the same time appointed Constable of Swansea Castle.

In reading through the list of the lands and manors which formed the inheritance of the infant Duchess, one cannot help pausing to wonder what would be the influence and the position at the present day of their holder if any one individual were now lord of all the lands which at one time or another had been the inheritance of the Mowbray family.

Richard (Plantagenet) "of Salop," Duke of York and Duke of Norfolk, Earl of Nottingham and Earl Warenne, was murdered, together with his brother, King Edward V., in the Tower of London, on the 23rd of January, 1483, by the order, or with the connivance, it is asserted, of their uncle Richard, the Protector, then Duke of Gloucester, who succeeded to the throne of England as Richard III. That is all English history, and need not be dealt with here. Suffice it to say, that at the death of the Duke of York and Norfolk all his honours became extinct. His wife had predeceased him, as has been related, on the 16th of January, 1480-81, and at her death without issue the direct line of the House of Mowbray came to an end, and the honours she had inherited *suo jure* fell into abeyance between the two coheirs, namely, the respective representatives of her two great grand-aunts, Margaret, the elder, who had married Sir Robert Howard, of Stoke Neyland, Co. Suffolk (who died 1436), and Isabel, the younger, who had married James, Lord Berkeley (who died in 1463), the two daughters of Thomas de Mowbray, first Duke of Norfolk, by his wife, Elizabeth FitzAlan. At the date of the death of the infant Duchess in 1480-81 the actual coheirs were John, Lord Howard, son of Margaret, the elder daughter, and William, Viscount Berkeley, son of Isabel, the younger daughter.

It will, perhaps, be here convenient to refer to the arms of Mowbray, around which a romantic interest hangs. The original arms of the family were "Gules, a lion rampant argent," beautiful alike in their antiquity and their simplicity. The exact date of their origin is unknown, but doubtless they originated during the Crusades, beyond which period the existence of no hereditary coat-of-arms, as we now understand the term, has been proved. The pretty legend related on page 746



*The Arms and Crest of Mowbray.*

is but one of scores of similarly supernatural episodes which in the Middle Ages were invented and related regarding every coat-of-arms when it was the fashion to believe in the "heroic" origin of all armorial bearings. That arms originally were due merely to the necessity of some means of distinction, and to the decorative facility they afforded, and that being originally only adopted by those of noble birth they consequently became indicative of nobility, has been too much overlooked. Whether the legend had the slightest foundation in fact it would be a profitless task to endeavour to investigate. One can merely accept it as a legend which has been handed down, with such

mental reservations as are needful, with the knowledge, however, that there are such things as crocodiles, and that it is not impossible to tame a lion cub.

Though the Mowbray family were extinct in the male line before the foundation of the College of Arms, the arms of Mowbray are preserved amongst the quarterings of the noble Houses of Howard and Berkeley, and upon impressions of seals of different members of the House of Mowbray which are still in existence. The same certainty hardly attaches to the crest. But in one of the manuscripts of Philpott preserved in the College of Arms the crest is given as on a cap of maintenance a lion statant between two buck's attires. This is the crest illustrated above. Confirmative evidence of this crest comes from the fact of its appearance on a grant of arms and quarterings, amongst which was the coat of Mowbray, at a much later date. The illuminated border of the document is decorated with the shields and the crests of the various families whose arms are included in the quarterings. Upon this border is the crest above referred to, and which is illustrated on the previous page.

But this crest was superseded at such an early date that one may well wonder whether any very long or extensive use of it could have occurred. And it is self-evident that this aforesaid crest had been discarded at an even earlier period than the date upon the following grant, inasmuch as a then existing right is recognised. In a recently published book this grant is referred to as the earliest known instance, capable of documentary proof, of the interference of the Crown with the armorial ensigns of a subject. Certainly it is the earliest proved instance of a change by Royal authority and command.

The grant (Patent Roll 339, 17 Ric. II., pt. 1, memb. 2) is as follows :

"P' THOMA COMITE MARESCALLO 'T NOTYNGH'.

R' Om'ibz ad quos 'tc' sal't'm. Sciatis q'd cum dil'c'us 't fidelis Consanguineus n'r Thomas Comes marescallus 't Notyng'h' h'eat iustu' titulu' hereditatiu' ad portand' p' cresta sua vnu' leopardum de auro cum vno labello albo qui de iure esset cresta filii n'ri primogeniti si quem procreassem' Nos ea considerac'o'e concessim' p' nob' 't heredibz n'ris eidem Thome 't heredibz suis q'd ip'i p' diferencia in ea p'te deferre possint 't deferant vnu leopardum 't in loco labelli vna' coronam de argento absqz impedimento n'ri vel heredu n'ror' sup'd'c'or'. In cuius 'tc. T. R. apud Westm' xii die Januar [17 Ric. II.].

p' br'e de priuato sigillo."

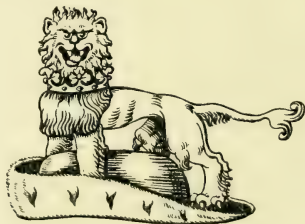


The translation of the foregoing is as follows :

The King to all to whom, &c., Greeting, Know that, whereas our well-beloved and faithful kinsman, Thomas, Earl-Marshal and Earl of Nottingham has a just hereditary title to bear for his crest a leopard or, with a white label, which should be of right the crest of our eldest son if we had begotten a son. We, for this consideration, have granted for us and our heirs to the said Thomas and his heirs that for a difference in this crest they shall and may bear a leopard, and in place of a label a crown argent, without hindrance from us or our heirs aforesaid,—In witness, &c. Witness the King at Westminster, the 12th day of January [17 Ric. II.].

By writ of Privy Seal.

The position of the coronet is not minutely stated, but the crest has almost invariably been borne *gorged* with a ducal coronet. The cap of maintenance in those days was a matter of rank, and not an essential part of the crest, as is nowadays the case. That the tail of the animal is now borne extended is merely due to the perpetuation of a certain form of draughtsmanship, and that the "leopard" is now metamorphosed into a lion and always represented as guardant is merely an evolution similar to, and in conformity with, the change in the Royal crest of the Sovereign. The form in which this crest has since been invariably borne by those who have made use of it is as under :



The ideas of the present day and the presently accepted laws of armory are absolutely in opposition to the inheritance or transmission of a crest by female heirs, but the foregoing grant would seem to show that matters were otherwise in those days, or that then, as now, Royal Arms had laws unto themselves. Thomas, Earl-Marshal, was only descended in the female line from the Royal House of Plantagenet, yet there can be no other way of translating "h'eat iustu' titulu' here-

ditatiuu' ad portand" than by the words "has a just hereditary title to bear." The words are a clear recognition of a then existing right, and the insertion of the word "hereditary" precludes any attempt to explain away the point by the supposition of any prior and specific gift or grant of the crest. His only hereditary right had come to him through his own mother, Lady Segrave, and through her mother, Margaret, Countess and Duchess of Norfolk, daughter of Thomas Plantagenet "of Brotherton," son of King Edward I. "What has come through a lass goes through a lass." But beyond this, the new grant was specifically to the Earl-Marshal "et heredibus suis." Now, there has never been any question that the meaning of these words is and was "and his heirs *general*." And that the difference between a grant to "heredibus suis" and "heredibus suis masculis de corpore suo exeuntibus" was then well understood at that period, is evidenced by the petition of John, Duke of Norfolk (see page 797), in which he alludes to the different limitations of his Earldom and Dukedom of Norfolk. The term cannot be brushed aside on the plea of laxity of diction, for in the much later grant of the Howard augmentation the same term is used in granting the augmentation, whilst a different limitation is inserted in the same Letters Patent in the grant of the Dukedom. And it definitely remains that this crest, in conflict with accepted heraldic law, was granted by the Crown to the Earl-Marshal and his heirs general. Doubtless it was owing to this limitation that the Howards, Dukes of Norfolk, succeeded to and then bore, and have since invariably borne, this Royal Crest. There was no further grant of it specifically to themselves. They simply inherited it as heirs general of the grantee. Consequently the Lords Mowbray, Segrave, and Stourton, must of necessity in their turn as heirs general have likewise succeeded to it, and there can be no doubt that the present Lord Mowbray, Segrave, and Stourton, like his ancestor, Thomas, Earl-Marshal and Earl of Nottingham, "has a just hereditary title," and is of right entitled to bear this Royal Crest.

It has always been stated that King Richard II. granted to Thomas de Mowbray, Duke of Norfolk, the arms of Edward the Confessor. The authority for this statement is doubtless an entry in one of the records of the College of Arms (R. 22, 67), which is itself a copy of another record, and which runs as follows :

"The discent of Mowbray written at length in lattin from the Abby booke of Newborough wherein Rich 2 gaue to Thomas Duke of Norff. & Erle Marshall the armes of Saint Edward Confessor in theis words :

"Et dedit eidem Thome ad pertandum in sigillo et vexillo suo arma S<sup>ti</sup> Edwardi. Idcirco arma bipartata portavit scil't Sci Edwardi et domini marcialis Angliæ cum duabus pennis strutionis erectis et super crestam leonem et duo parva scuta cum leonibus et utraq' parte predictorum armorum."



Accompanying this is a rough tricked sketch of the arms upon which the illustration hereunder has been based.



Below this extract in the College Records is written in another hand: "I find this then in ye chancell window of Effingham by Bungay in the top of the cot window with Mowbraye & Segrave on the side in glass there."

Who the writer was is a mystery. He appends a further sketch to his note, which differs from the above. No helmet and crest are shown, and the central shield has only the arms of Brotherton. The feathers which flank it are both enfiled below the shield by one coronet. Of the smaller shields at the side, the dexter bears the arms of Mowbray and the sinister those of Segrave.

Doubtless it was owing to this grant of the Arms of Plantagenet, which thus technically became thereafter the Arms of Mowbray, that the Howard family placed and still bear the Royal Arms next to the Arms of Howard, and without the arms of the intervening families of Mowbray and Segrave, which would precede the Royal coat in the usual course. It should be noted that in the sketch accompanying the foregoing record the lion crest is *crowned* with the coronet, and not "gorged," as it is almost invariably depicted. The crown was granted "in place" of the label, and would practically occupy the position of the label if placed around the neck of the lion. With regard to the Arms of Edward the Confessor, a note in the "Complete Peerage" (Vol. VI., p. 53), appended to the life of Sir Henry Howard, styled "Earl of Surrey," who was indicted for high treason and executed the 21st of January, 1546-47, is as follows :

"Sir Egerton Brydges speaks of him (Collins, Vol. I., pp. 93-96) in most eulogistic terms. His conduct, however, both as Governor of Boulogne and elsewhere, shows him to have been a somewhat hot-headed and imprudent young man, with an overpowering estimate of his own importance. This was borne out by his quartering the Arms of Edward the Confessor against the wish of his father and in defiance of the rules of Heraldry, which piece of folly and conceit was actually the main charge of high treason against him, and the only one for which there was testimony of any legal value."

But if the foregoing grant be authentic, the folly and conceit are discounted, and the "defiance of the laws of Heraldry" somewhat trivial.

Planché states the Mowbray badge to have been a branch of mulberry ; but the Howards, Dukes of Norfolk, are said to have borne the white lion from the Arms of Mowbray as a Mowbray badge.

The direct line of the House of Mowbray having ceased, and the representation having passed to, and being henceforward vested in, the Noble Houses of Howard and Berkeley, it will perhaps be well to here set out the descent indicated in the previous pages in tabular form.

# PEDIGREE OF MOWBRAY RELATING TO THE FOREGOING TEXT.

ROGER DE MOWBRAY.

AMICIA DE MOWBRAY=ROBERT DE ALBINI.

ROBERT DE MOWBRAY, Earl of Northumberland, father of the estates of his uncle, Gaisfrid, Bishop of Constance, which he afterwards forfeited on rebellion against William Rufus. Imprisoned for 30 years in Windsor Castle; died there 1106.

MAUD DE AQUILA, daughter of Richard d'Aquila; sometimes called Matilda. Married Nigel as her second husband. Divorced from Nigel on the ground of his consanguinity.

NIGEL D'ALBINI, Baron Mowbray. Bow Barreto William Rufus, and was girded with the Sword of Knighthood by that King. Had grants of lands, including those of Robert de Mowbray.

GUNDREDA, daughter of Girald or Hugh de Gournay.

"Tunc temporis cepit Nigelus de Albaneis in uxorem filiam Hugonis de Gurnay, in Normannia, nomine Gundredam."

ROGER DE ALBINI, Baron Mowbray. Assumed by Royal Mandate the surname of Mowbray. In ward to King Stephen. A Commander at the Battle of Northallerton. Founded and endowed several monastical houses. Had large grants of lands. Died abroad and was buried at Sures.

ALICE DE GAUNT, believed to have been related to Gilbert de Gant, Earl of Lincoln.

HENRY D'ALBINI, younger son, whom Dugdale took to be the Henry de Albini, of Canho, who with Cecily, his wife, gave two hides of land lying in their Manor of Cotes unto that little Cell of Nuns called Sopwel, near St. Albans, Co. Hertford.

NIGEL DE MOWBRAY, Baron Mowbray. "Filius Rogeri de Mowbray primogenitus fuit Nigelus de Mowbray qui ei successit." Present at the Coronation of Richard I. Engaged in the Holy Wars, and died and was buried in the Greek Sea in 1191.

MABEL, daughter to Edmund or Roger, Earl of Clare.

ROBERT DE MOWBRAY, younger son.

"Hic Nigelus uxorem cepit Mabiliam, et genuit ex ea quatuor filios Willielmum, Robertum, Philippum et Rogerum."

WILLIAM DE MOWBRAY, Baron Mowbray. Had livery of his father's lands, 1194. One of the 25 Barons appointed to enforce Magna Charta. Died at Axholme, 1222; buried in the Priory of Newburgh. "Willielmus filius Nigeli obiit in insula de Haxholm et Sepultus est apud Novum Burgum."

AGNES, daughter of the Second Earl of Arundel, of the branch of the Albini.

ROBERT DE MOWBRAY, PHILIP DE MOWBRAY, ROGER DE MOWBRAY, younger sons.

NIGEL DE MOWBRAY, Baron Mowbray. MAUD, daughter livery. Had livery of his father's and heir of lands, 8 Henry III.; died in 1228 Roger de Camvil at Nantes in Brittany, i.e.

"Idem Willielmus de Mowbray genuit Nigelum et Rogerum."

"Nigelus vers duxit in uxorem filiam Rogeri de Canevilla; obiit apud Naunty, absque herede, et sepultus est apud Naunty Burgum."

ROGER DE MOWBRAY, Baron Mowbray. MAUD, daughter of William, de Beauchamp of Bedford. She was a co-heir to the Barony of Beauchamp, and her second husband, Roger le Strange, enjoyed her estates for life.

ROGER DE MOWBRAY, Baron Mowbray, a Lord of Parliament, first admitted LORD MOWBRAY "by Writ" in the Peerage of England. Son and heir. Summoned to Parliament by Writ, 28 June, 1283, 11 Edward I., to 26 January, 1297-98, 25 Edward I., and succeeded to the Mowbray Estates. He died at Ghent, in Flanders, 1297, 25 Edward I., and was buried in Fountains Abbey, Co. York.

ROSE, daughter of Richard, Earl of Clare, Gloucester and Hertford, in the Peerage of England, by Maud, daughter of John de Lacy, Earl of Lincoln, in the Peerage of England.

ROBERT DE MOWBRAY. ANDREAS DE MOWBRAY. JOHN DE MOWBRAY. EDMUND DE MOWBRAY. WILLIAM DE MOWBRAY. (Plea Rolls.)

JOHN DE MOWBRAY, Second LORD MOWBRAY. Born 2 November, 1286, had livery of his father's lands, on 1 June, 34 Edward I. Heir to his paternal grandmother, then wife of Roger le Strange, Dominus de Ellesmere and Cheswardine; aged then 22 and upwards. Summoned to Parliament from the 26 August, 1307, 1 Edward II., to 15 May, 1320, 14 Edward II., and present in Parliament, as a Lord of Parliament, in 12 Edward II. Engaged in the Scottish Wars, and was knighted by Prince Edward in 35 Edward I. Governor of the City of York, 6 Edward II., and Governor of Malton and Scarborough Castles, 11 Edward II. In right of his wife succeeded to the inheritance of the Barony of Gower, and Brember in Sussex, without suing out livery from the Crown. Executed at York in 1322. His estates were confiscated, but he was not attainted.

ALIVA, elder daughter and co-heir of William, LORD BROSSE OF GOWER in the Peerage of England, by Elizabeth, his wife, daughter and heir of Edmund de Sully. She remarried Sir Richard Peshall, and died in 1331.

JOHN DE MOWBRAY, Third LORD MOWBRAY by Writ, son and heir, of full age at his father's death, and obtained livery of the paternal estates on the accession of King Edward II. Engaged in the Wars of Scotland and France. Appointed Governor of Berwick Castle, 11 Edward II. Summoned to Parliament from 10 December, 1327, to 20 November, 1360, 1 to 34 Edward III. Died of the plague at York, 4 October, 1361, and was buried in the Grey Friars at Bedford.

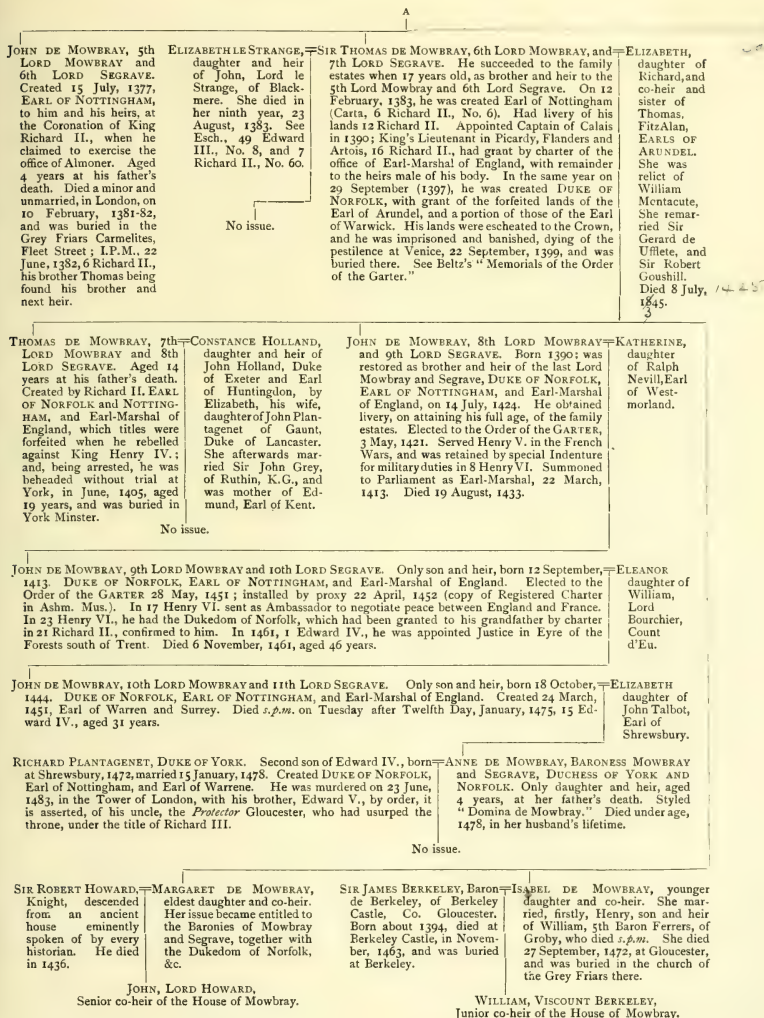
JOAN, daughter of Henry Plantagenet, Earl of Lancaster, in the Peerage of England (by Maud, his wife, daughter and co-heir of Sir Patrick Chaworth, knight), grandson of Henry III., by Eleanor his Queen, second daughter and co-heir of Raymond Berenger.

JOHN DE MOWBRAY, Fourth LORD MOWBRAY. In right of his wife had inheritance of his estates of Segrave. Had livery of his father's lands, 35 Edward III. Summoned to Parliament from 14 August, 1362, to 20 January, 1365, 36 to 39 Edward III. Slain near Constantinople on his way to the Holy Land, 19 October, 1368, and was buried in the Monastery at Pera.

ELIZABETH, no jure daughter and heir of John de Segrave, LORD SEGRAVE by Writ, sometime Regent of Scotland, by Lady Margaret Plantagenet, Countess and Duchess of Norfolk, his wife. Aged 13 years in 1368, and died about 1375.

\* In speaking of the Friar Preachers, or Black Friars of Pontefract, the Cottonian MSS., Cleopatra, C. III., folio 302, says that "in 1266 Sir Roger de Mowbray died in the Isle of Axholme (Lincolnshire), and buried in this church." The *Quarterly Review* for 1840 speaks of the "Castle of the Mowbrays at Thirk, of which not a trace now remains, and adds that the great Crusader, Roger de Mowbray, 'who loved the church so well and gave so largely to it' (meaning the ancient church at Thirk), is now best remembered by the shattered walls of Byland—where, however, even the place of his grave remains uncertain. And in the foundation charter of Newburgh Priory in 1181 it is mentioned that Roger de Mowbray (ancestor of the above Roger de Mowbray, who died in 1260), gave it, 'the church of Trese, with one carucate of land in that vil, and tofts and crofts in the borough, also the chapel of St. James, with two oxgangs of land in the village, with two tofts in the borough; also one carucate of land in Trese, which Bartholomew Giggator held or occupied, with the tofts and crofts thereunto belonging.'"

# CONTINUATION OF THE MOWBRAY PEDIGREE.



As has been already stated, the dignities which Anne, Duchess of York and Norfolk, had inherited *suo jure*, fell into abeyance at her death on the 16th of January, 1480-81. These dignities were the Earldom of Norfolk, and the Baronies of Mowbray and Segrave, and the Peerage Dignity (if such existed) of "Earl-Marshal." The lands and properties of the Mowbray family had been settled upon Richard, Duke of York and Norfolk. At his death, on the 23rd of June, 1483, the vast inheritance of the Mowbrays devolved upon the two co-heirs, John, Lord Howard, and William, Viscount Berkeley, and immediately a shuffling took place of the honours which had been hitherto enjoyed in conjunction with the lands. Two days after King Richard III. had proclaimed himself King, viz., on the 28th of June, 1483, Lord Howard, the senior co-heir, was constituted Earl-Marshal of England, with the other offices, &c., appurtenant thereto, and on the same day, by the description of "Johis Howard Comitis Marescalli Angl'," he was created Duke of Norfolk, it being recited in the Letters Patent granting him the dignity that he was one of the true and undoubted heirs of John, the late and last Duke of Norfolk. On the same day (28th of June, 1483) his eldest son and heir-apparent was created Earl of Surrey, and again on the same day William, Viscount Berkeley, and Lord Berkeley, the junior co-heir, was created Earl of Nottingham. The Crown thus at once revived in the persons of the co-heirs all the Peerages formerly held by the Mowbray family, which had become extinct by their limitation to the heirs male.

Of the Peerages which had fallen into abeyance, the Earldom of Norfolk and the dignity of Earl-Marshal (if such a Peerage dignity existed) still (1898) remain in abeyance. The Baronies of Mowbray and Segrave have been called out. The abeyance of these Baronies has been a fruitful and frequent source of controversy, and probably no other dignities in the Peerage of England have been the cause of so much discussion. Some writers have even asserted that the Baronies remained in abeyance until the Crown was pleased to terminate that abeyance in 1878 by the Writ of Summons to Lord Stourton. Such a conclusion, however, is an extreme view, and seems utterly untenable in the face of the evidence produced at the hearing of the Petition, and it certainly is flatly contradicted by the resolution of the House of Lords.

The wording of the resolution upon this point, which for the future must finally settle the controversy, was as follows :

"That on the death of Anne Lady Mowbray and Segrave Duchess of York and Norfolk in 1481 the Baronies of Mowbray and Segrave fell into abeyance between



John Lord Howard and William Viscount Berkeley as the grandsons and the then co-heirs of Thomas the first Duke of Norfolk.

That the abeyance of the said Baronies was subsequently, and previously to the reign of Queen Elizabeth determined in favour of the Howard family," &c.

As will be noticed, the exact date of the determination is purposely left undecided, inasmuch as there is no evidence to show either how or when the abeyance of these Baronies of Mowbray and Segrave was terminated. When an abeyance is determined in favour of a Commoner, it is invariably done by the issue of an ordinary Writ of Summons. But such a method is impossible in the case of a Peer already possessing higher rank, whose Writ must be issued in the highest title he possesses, consequently the course usually adopted in such cases is the issue of Letters Patent. But until the year 1803 there was no instance of the determination of the abeyance of a Barony in favour of a Peer, holding higher rank than that of a Baron, by such Letters Patent; nor is any prior record known to exist of any specific method by which this object had been effected. Accordingly, it only remained possible to produce evidence that the abeyance *had been* determined at some time or other. The evidence produced for this purpose to prove the determination of the abeyance in favour of the Howard family consisted of (1) Letters Missive of 2nd of Richard III. signed by the King, in which John Howard, Duke of Norfolk, is described as "Joh'em ducem Norff Comitem Marescalli Marescallum 't Admirallum Anglie d'n'm de Moubray de Segrave 't Howard;" (2) the funeral certificate of Margaret, Duchess of Norfolk, in which she is described as "late ijd wife to the Righte Highe & Myghtie Prynce Thom<sup>as</sup> nowe duke of Norfolk Erle Marshall of Englande Lorde Mowbray Segrave & of Brews," &c.; (3) by an Act of Parliament of the 1st of James I. for the restitution of Thomas, only son of Philip, late Earl of Arundel, by which he was restored "to the hono<sup>r</sup> state and dignitie of Erle of Surrey and to such dignitie of Barronies onlie wh<sup>ch</sup> the sayd late duke of Norff forfeited & lost by his sayd attaindo<sup>r</sup>"; (4) the Garter Plate of Thomas, Earl of Arundel and Surrey, set up in St. George's Chapel, Windsor, in 1611, upon which he is styled "TRESNOBLE . ET . PVISSANT . SEIGNEVR . THOMAS . HOWARD . COMTE . D'ARVNDELL . ET . DE . SVRREY, SEIGN<sup>r</sup> HOWARD, FITZ-ALLEN, MAYTRAVERS, MOWBRAY, SEGRAVE, BRVSE, ET . CLVN . CHEVALIER<sup>r</sup> . DV . TRESNOBLE . ORDRE . DE . LA . IARTIERRE"; (5) the Garter Plate of Henry, Duke of Norfolk, set up in 1685, on which he is styled "tres-hault, puissant, et tres-noble Prince, HENRY Duc de NORFOLC, et Conte Marescal *D'Angleterre*, Conté d' ARVNDELL, SVRREY, NORFOLC et NORWICH, Baron MOWBRAY, HOWARD, SEGRAVE, BRVSE (de *Gower*), FITZALAN, WARREN, CLVN, OSWALDESTRE, MALTRAVERS, GREYSTOCK, FVRNIVAL, VERDON, LOVETOT, STRANGE (de *Blackmere*) et HOWARD (de *Castle Rysing*), premier Duc, Comte, &

Baron *D'Angleterre*," &c., &c. ; (6) the Journals of the House of Lords for the 6th of April, 1640, and the 28th day of January, 1677, which proved that the then Lords Mowbray were placed at the head of the Barons' Bench. The House of Lords thereby admitted in each case that the respective Lords Mowbray had each been summoned in his father's ancient Barony of Mowbray. The whole of the foregoing were received in evidence, though there was at first some discussion as to the admissibility of the Garter Plates and the Funeral Certificate. The greatest weight appears to have been attached to the Letters Missive of King Richard III., which were regarded as strong evidence, both by the Attorney-General and by the Lord Chancellor, that the abeyance had been terminated at that time. This point is really the most crucial relating to the subject at issue, and having regard to its importance, it will perhaps be wiser to reproduce the discussion thereon in full from the shorthand report of the proceedings :

*"The Attorney-General:* You will find that it is stated that it is 'proved by the Letter Missive of 2nd Richard III. signed by the King.' Now, there is no doubt a Letter Missive of the 2nd of Richard III. by which the Duke of Norfolk is styled 'the Lord of Mowbray and Segrave.' You will find it on page 125 of the 'Mowbray Evidence.' The substance of the document is this: Certain magnates were appointed to be Ambassadors from the King of England to the King of Scotland, and amongst those who were appointed Ambassadors was John, Duke of Norfolk, and amongst other titles he is styled by the titles of Lord of Mowbray and of Segrave.

*The Lord Chancellor:* What is the date of that?

*The Attorney-General:* 1484. So that undoubtedly there is an Act of the King appointing the Duke of Norfolk to be an Ambassador to the King of Scotland, and styling him Lord of Mowbray and of Segrave. My learned friend has referred to other evidence as also showing the determination of the abeyance.

*Lord Blackburn:* There is one point more that I think you should notice in that document. The Baronies had been in abeyance between the Duke of Norfolk and Lord Berkeley

*The Attorney-General:* Yes

*Lord Blackburn:* The very next Commissioner who is named here is the person who would be the rival co-heir to the Duke of Norfolk.

*The Attorney-General:* Yes, Lord Berkeley, that is so. I omitted to draw your Lordships' attention to that. Therefore I should submit to your Lordships that this no doubt is a strong piece of evidence to show that at that time John Howard Duke of Norfolk must have been the Lord of Mowbray and Segrave. If



that be so, it shows I think that the abeyance in some way or other must have been determined in his favour. There is no evidence to show exactly how it was done, but there is a strong piece of evidence to show that it was determined at that date.

*Lord Blackburn*: Richard III who was a person who had the power to determine the abeyance if he pleased, states, in fact, under his hand, that it has been done. This document would not be of the same authority for the purpose if it were not under his hand, but it amounts to the King's calling the Duke of Norfolk Lord Mowbray and Segrave

*The Attorney-General*: Yes, he recognises under his hand that John Duke of Norfolk, was Lord Mowbray and Segrave

*Mr. Fleming* (Counsel for Lord Stourton): And he had the power of determining the abeyance

*The Attorney-General*: Yes, and Richard III had no doubt the power of determining the abeyance, so that it does seem to me a strong piece of evidence."

*[The proceedings next following relate to other points, and then a discussion followed as to recognised methods of determining an abeyance.]*

"*The Attorney-General*: I take it that, except the signification of the Royal Pleasure by the Sovereign, nothing would be necessary

*Lord Chancellor*: It might be done by Warrant or by Sign Manual

*The Attorney-General*: Or by Letters Patent

*Lord Chancellor*: It would not require Letters Patent would it? It might be done by Sign Manual.

*The Attorney-General*: Yes any formal recognition of the will of the Sovereign would be sufficient. It might be done by the Sovereign recognising it in some way

*Lord Chancellor*: Is it clear it could not be done verbally?

*The Attorney-General*: No I do not think it is clear

*Lord Blackburn*: If it could be done by Sign Manual this document would seem to go very far towards showing that Richard III did it by Sign Manual—If that would be sufficient, you do not require secondary evidence of something more formal having been previously done, because if it could be done by Sign Manual of Richard III that would do it."

*[That seemed to be the view adopted, and the discussion presently continued as follows.]*

"*The Attorney-General*: No doubt as my Lord Blackburn says, if it could be done by a document simply under the Sign Manual, this Letter Missive comes very near to that.

*Mr. Fleming*: No doubt it could; it is not a grant you know.

*The Attorney-General*: I do not doubt that it could be determined in that way,

and perhaps the Letters Missive of Richard III were sufficient for the purpose ; only these letters seem to recognise the Duke of Norfolk as being at the time the letters were written the Lord of Mowbray and Segrave. However my learned Friend's client has that important piece of evidence to show that in some way or other the abeyance was determined in favour of the Howards. And then there is the additional evidence of the Garter Plates. I do not think it is necessary for me to make any further remark upon that part of the case."

On the Pardon Roll of King Richard III. is a general pardon directed to the Duke of Norfolk, which is dated the 23rd of February (1483-84), 1st of Richard III. The Duke is described as "Joh'es dux Norff' alius d'c'us Joh'es dux Norff' Com' Marescall' 't Marescall Angl' alias d'c'us Joh'es dux Norff' 't Admirall' Angl' alias d'c'us Joh'es dux Norff' consanguineus 't unus hered' Joh'is nup' ducis Norff' alias d'c'us Joh'es dux Norff' consanguineus 't unus hered' Anne nup' ducisse Ebor' 't Norff' filie 't hered' Joh'is nup' ducis Norff' alias d'c'us Joh'es dux Norff' consanguineus 't unus hered' Edmundi Lentale armig'i alias d'c'us Joh'es dux Norff' consanguineus 't unus hered' Thome nup' comitis Arundell' alias d'c'us Joh'es dux Norff' Constabularius castri Norwici ac custos gaiol' ejusdem castri alias d'c'us Joh'es dux Norff' Constabularius castri Colcestr' ac custos ejusde' castri seu 'tc'."

The fact that in this pardon no mention is made of the Baronies of Mowbray and Segrave has been by some writers held to be proof that at that date the abeyance had not then been terminated, and the interval in which the determination must have been effected would therefore be narrowed down to the period between the 23rd of February and the 20th of September following, the date of the Letters Missive. But the descriptions used in the Pardon by no means afford this conclusive evidence, for the Barony of Howard, which was not in abeyance, and as to which there could have been no question, is also omitted. The descriptions are merely a list of aliases by which the Duke would be likely to be known. It is not at all probable that the Duke was ever at any time *known* by the description of "Lord Mowbray."

But the whole question resolves itself into the difficulty of applying the law created by subsequent decisions to anterior occurrences. It has by no means been proved that the Baronies were ever *at that time* considered to have been in abeyance, and probably we should be nearer an exact appreciation of what was *then* supposed to have taken place if we assumed that the Baronies passed to the Howards, as senior co-heirs, with their succession to their landed inheritance, and without any overt or specific Act of the Crown. The Letters Missive would then become no more than the acceptance and recognition by the Crown of an actually existing fact, as the Attorney-General supposed them to be.

The original Petition of Lord Stourton set forth that the Baronies of Mowbray and Segrave remained in abeyance until 1640, and that the abeyance was terminated in favour of the Howard family by the Writ of Summons to Lord Henry Frederick Howard, issued to him *vitâ patris* as Lord Mowbray. But this, however, was bad law. It is held as a matter of law that the Crown can only terminate the abeyance of a Barony in favour of a co-heir to that Barony; and it is a principle of common law that no one can be heir to a living person. Consequently the "co-heir" to the Barony of Mowbray, if it had then been in abeyance, would have been the then Duke of Norfolk, father of Henry, summoned as Lord Mowbray. And the abeyance must sometime have been *previously* determined, and the Barony absolutely vested in the Duke, or his son could not have been "called up" to the House of Lords in the old Barony of Mowbray. Otherwise the Writ to him would have created a new Peerage, and the precedence given him "at the head of the Barons Bench" is ample and unquestionable evidence that he was then considered to have been called up in the old Barony. It was, therefore, necessary to establish the fact of the termination at a prior date, of which the evidence seems to have been the aforesaid Letters Missive.

Throughout the hearing of Lord Stourton's Petition no question whatever was raised upon any point in the descent, which was fully admitted and accepted.

Some of the Lords Berkeley at a later date styled themselves Lords Mowbray and Segrave, and went so far as to have such descriptions inscribed on monuments at Berkeley and also at Cranford, Co. Middlesex. The 10th to the 14th Lords Berkeley appear to have made use of the titles for a period of nearly two centuries. Living contemporaneously with Henry Frederick Howard, who was summoned to Parliament as Lord Mowbray, was George Berkeley, 13th Lord Berkeley, who died the 10th of August, 1658. The 13th Lord Berkeley died at his house, in St. John's Parish, Clerkenwell, then in the suburbs of London, and was buried at Cranford, Co. Middlesex. The inscription on his monument at that place is as follows:

"Here lyeth the body of George, Lord Berkeley,  
Baron of Berkeley, Mowbray, Segrave and  
Bruce, and Knight of the Bath, who departed  
this life the 10th day of August, A.D. 1658."

In the same manner in the inscription on the monument to his grandfather, the 12th Lord Berkeley, in the chancel at Berkeley, the Baronies of "*Mowbray, Segrave, and Breouse*," are attributed to him after the Barony of Berkeley. He died at Callowden, Co. Warwick, on the 79th anniversary of his birth, 26th November, 1613.

But bearing in mind the fact that the summons to Lord Mowbray in 1639, and the precedence given to him, must have been very patent proof that the Barony, by

then, at any rate, was recognised by the House of Lords as being at that time vested in the Howard family, it is simply unaccountable that the Lords Berkeley should have attempted to describe themselves as Lords Mowbray and Segrave.

The 14th Lord Berkeley, who had succeeded later to the Earldom of Berkeley, could have had no excuse for such an assumption. For on the 19th of December, 1670, George, Lord Berkeley, presented a petition to the King as follows :

“ To the kings most excellent ma<sup>tie</sup> the humble petiçon of George lord Berkeley of Berkley sheweth

“ That your peticoner humbly conceiveth himselfe (through mistake) not to be in such place of precedency as a Baron and Peere of this realme in parliaments and all other the hon<sup>ble</sup> assemblies of hise Peres as of ancient tyme did belonge to his ancesters from whom he was descended ;

“ Your petiçoner therefore most humbly prayeth that your ma<sup>tie</sup> will be graciously pleased that he may be admitted to make prooffe of his clayme in order to the just decision thereof in such sort as yo<sup>r</sup> ma<sup>tie</sup> shall in your great wisdome thinke fitt ;

“ And your petiçoner shall pray, &c.

“ (Signed) Berkeley.”

On the 16th of December, 1670, the King referred the same to the Lords in Parliament, who thereupon ordered that Lord Berkeley should be heard by his counsel at the bar of their House to make proof of his said claim on Tuesday, 10th January then next, at 10 o'clock in the forenoon. Accordingly, on the 14th of February, 1671, Lord Berkeley was heard to make proof of his claim of precedence upon his Petition, and Lord Delawarr desired that his counsel might be heard to oppose the said claim. “ And the Earle of Berks desired that the Duke of Norfolk's counsell might be also heard concerning his clayme of precedency as Lord Mowbray Whereupon the lord Berkeley of Berkley declared in the house that his clayme of precedency is only relating to the lord Delawarr lord Awdley and lord Abergavenny but not to the Duke of Norfolke as lord Mowbray to whom he quitts any pretence of precedency.”

One would have expected the matter to have here ended, but on the 16th of March, 1681, we find a letter addressed to him from Sion College, London, in answer to his gift of the library of his uncle (Sir Robert Coke) to that College, in which he was addressed as :

“ The Right Honourable George, Earl of Berkeley, Viscount Dursley, Baron Berkeley, *Mowbray, Segrave, and Bruse*,”

which would seem to show that he still made use of the titles of Mowbray and Segrave.

He had been created Viscount Dursley and Earl of Berkeley on the 11th of September, 1679. Yet, notwithstanding that Henry Howard, Lord Mowbray, did not die until the 11th of January, 1684, the Earl of Berkeley still assumed those titles, which he continued to do until his death, on the 14th of October, 1698, his monument at Cranford being inscribed : " George Berkeley, Earl of Berkeley, Viscount Dursley, Baron of Berkeley, Mowbray, Segrave, and Bruce." But the Lords Berkeley were never more than co-heirs to either ancient Barony, and never possessed or were justified in assuming them.

The Letters Missive being accepted as evidence of the prior determination of the abeyance of the Baronies of Mowbray and Segrave, in favour of the Howard family, the termination must have occurred before the 20th of September, 1484, which is the date the said letters bear. We therefore pass at once to John Howard, Duke of Norfolk, who was accordingly 12th Lord Mowbray, being styled therein " Joh'en ducem Norff' Comitem Marescalli Marescallum 't Admirallum Anglie d'u'm de Moubray de Segrave 't Howard."

In tracing the remainder of the descent of the Mowbray Barony, no attempt is made to do other than put forward the briefest outlines concerning its successive holders. Space peremptorily forbids anything further. The following short accounts, however, are necessary for the purposes of identification and reference to the different holders of the Peerages.

Whilst the Stourton family would appear to have succeeded, each in his turn, in avoiding any political conflict or differences with the Crown, the Howards seem to have consistently done the reverse. Their history shows a long succession of treason and conspiracy and rebellion. Always warring or hatching conspiracy against the Crown, nearly always on the losing side, it seemed for some centuries to be the accepted birthright of the House of Howard that the heir should humbly petition the Crown for a reversal of his father's attainder, to be himself in his turn convicted of treason and, frequently, executed. This apparently was a heritage they derived with the patrician descent from the House of Mowbray.

XII. JOHN HOWARD, first DUKE of NORFOLK, twelfth LORD MOWBRAY, thirteenth LORD SEGRAVE, first LORD HOWARD, all in the Peerage of England, EARL-MARSHAL and Marshal of England, and KNIGHT of the Most Noble ORDER of the GARTER, the elder of the two co-heirs of the Mowbray family, by the termination of the abeyance in his favour by King Richard III., of which the Letters Missive are conclusive evidence, became possessed, on or before the 20th of September, 1484, of the Baronies of Mowbray and Segrave.

He was born about 1430, being the son and heir of Sir Robert Howard of Stoke Neyland, Co. Suffolk (a cadet of the family of Howard of East Winch, Co. Norfolk), by his wife Margaret, elder daughter of Thomas de Mowbray, first Duke and Earl of Norfolk, Earl of Nottingham, Lord Mowbray and Lord Segrave, Earl-Marshal and K.G. He succeeded his father in April, 1436, was Member of Parliament for Norfolk 1455, and was knighted by King Edward IV. on the 29th of March, 1461, at the Battle of Towton. In that year he was Carver to the King. He was Constable of Norwich Castle, and was Treasurer of the Household 1467 to 1474, and was appointed Lieutenant of the town of Calais in 1469. Soon after the Restoration of King Henry VI. he was summoned to Parliament as a Baron by a Writ, directed "Joh' Howard' de Howard' militi," and dated the 15th of October, 49th of Henry VI. (1470). He thereby became Lord Howard, a Peerage which, being *created* by Writ of Summons, would devolve upon his heirs general. Notwithstanding this mark of favour from the House of Lancaster, he either continued, or shortly afterwards returned to, his allegiance to the House of York, for he proclaimed King Edward IV., in Suffolk, as King, in March 1471. He was made a Knight of the Garter the 22nd of April, 1472, and was Captain-General of the Fleet in 1479. He bore the Royal Banner in May, 1483, at the funeral of King Edward IV. He was appointed Steward of the Duchy of Lancaster and a Privy Councillor, and on the 28th of June, 1483, King Richard III., by Letters Patent, gave to "*carissimo consanguineo n'ro Joh'i Howard' baroni t' d'no de Howard*" the office of Marshal of England by the name, title, and honour of Earl-Marshal of England. The same day, by separate and subsequent Letters Patent, John Howard, Earl-Marshal of England, was created Duke of Norfolk, both honours being limited to the heirs male of his body. He was



appointed High Steward, or "Seneschall of England," for the Coronation of King Richard III., 30th of June to the 7th of July, 1483. In that year he was Admiral of England, Ireland, and Aquitaine. He was the first of his House to reach that height of power and influence which have since distinguished the House of Howard. He married firstly, about 1442, Catherine, daughter of Sir William de Moleyns, of Stoke Pogis, Co. Bucks, by whom he had issue. She died about 1452, and was buried at Stoke Neyland. He married secondly, in February, 1466, Margaret, daughter of Sir John Chedworth, and then widow of John Norreys, of Bray, Co. Berks., and formerly widow of Nicholas Wyfold, Lord Mayor of London in the year 1450. She survived her husband until 1494, being buried at Stoke Neyland. Her will, which is dated the 13th of May, 1490, was proved the 3rd of December, 1494.

The Duke was the first of his family to reap the fatal political heritage of the Mowbrays, and survived but a short time to enjoy the honours which King Richard III. had showered upon him. He fell fighting with his King at the Battle of Bosworth (August 22, 1485), the final field of carnage in the War between the Roses of York and Lancaster. The familiar distich quoted by Shakespeare in his "King Richard III.,"

"Jocky of Norfolk, be not too bold,  
For Dickon, thy master, is bought and sold,"

is said to have been sent him as a warning on the eve of the fatal battle.

The Duke's son, Thomas Howard, who had been created Earl of Surrey, fought with his father and King Richard at the Battle of Bosworth, and by the death of his father succeeded him as Duke of Norfolk, Lord Mowbray, Segrave and Howard.

Shortly after the Duke's death, on the 7th of November, 1485, he and his son Thomas, Earl of Surrey, were by Act of Parliament attainted, and all their honours were forfeited.



XIII. THOMAS HOWARD, DUKE OF NORFOLK, EARL OF SURREY, thirteenth LORD MOWBRAY, fourteenth LORD SEGRAVE, and second LORD HOWARD, all in the Peerage of England, MARSHAL of ENGLAND and EARL-MARSHAL, and KNIGHT of the GARTER, was the eldest son and heir of John Howard, first Duke of Norfolk, Lord Mowbray, Segrave, and Howard, Earl-Marshal, by his first wife, Catharine, daughter of Sir William de Moleyns, of Stoke Pogis, and succeeded his father at his death on the 22nd of August, 1485, at the Battle of Bosworth.

He was born in the year 1443, and was educated at Thetford School. He was Esquire of the Body 1473, Sheriff of Norfolk and Suffolk in 1476; Member of Parliament for Norfolk in 1478, and was knighted the 18th of January in that year. On the same day (the 28th of June, 1483) that his father was created Duke of Norfolk he himself was created Earl of Surrey, being in the same year made a Knight of the Garter and a Privy Councillor. He was Steward of the Household 1483-84, and Bearer of the Sword of State at the Coronation (July the 7th, 1483) of King Richard III. He fought with the King and his father at the Battle of Bosworth, he himself being taken prisoner, and, with his father, attainted in the November following. He is not universally included in the lists of the Lords Mowbray and Segrave, but after the death of his father on the 22nd of August until he and his father were together attainted by Act of Parliament in the November following, there can be no question that he had inherited the Baronies. By his own attainder they were certainly forfeited.

After three years' imprisonment in the Tower of London, during which time he was known as Lord Howard, he was restored by Act of Parliament in January, 1489-90. The terms of the Act (which recites Lord Howard's petition and assents to it) are peculiar, and are as follows: "to enstablish and enact that the seid atteyndre aswell ayenst the seid John late duke of Norff as ageynst the seid Thomas late erle of Surrey be had taken and reputed as voide. And they and ether of theym and their heires to be restored and enhabled by thactorite of the same to all that they and either of theym and their heires forfeited by reason of the seid atteyndre in as large fourme as though the seid acte of atteyndre had nev' ben." But the Act goes on to

state: "And that it be enacted by the seid auctorite that this statute of adnullacion and restitution extend not for the seid Thomas to eny honour estate name and dignite but onely to the honour estate name and dignite of Erle of Surrey." This reservation has been the cause of much discussion, and the full effect of it will be seen later. The evident intention of it is plainly apparent, namely, that the Earl of Surrey himself having been personally implicated with his father, the Crown intended to assert its authority, and enforce some penalty upon him as a reminder that even the vast Mowbray inheritance and its honours were subject to the will of the King. This penalty was the withholding of the title of Duke of Norfolk from the Earl. And there can be little doubt that the word "onely" relates solely to the Dukedom of Norfolk, to ensure the deprivation of which it was inserted. It is a far-fetched supposition that the Crown, whilst restoring him to his Earldom, should have withheld from him the lesser honours, which it overshadowed. And it is almost inconceivable that when, after his victory at Flodden, the King showered honours and lands upon him and re-granted him the Dukedom of Norfolk, not only with the (Howard) precedence of his father, but with the more ancient (Mowbray) precedence of his maternal ancestors, he should still have been debarred from the inheritance of the comparatively minor dignities of the Baronies of Mowbray and Segrave. Probably the simple explanation is, that the King considered the Act of Restoration to have restored the Baronies with the Earldom. But though this is by far the most probable supposition, it is perhaps desirable that mere presumptions in such a matter as this be disregarded. It is therefore safer to accept and put forward no more than the strictly literal interpretation of the Act by which the Earl was restored to the one single dignity of Earl of Surrey. But that being so, the exact wording of the Act should be most carefully observed. The attainder of both John, Duke of Norfolk, and Thomas, Earl of Surrey, was to be had, taken, and reputed as void, and they and either of them "*and their heires*" should be restored and enabled . . . as though the said Act of attainder had never been. With regard to the estates also the restoration is distinctly stated to be to "the seid Thomas and his heires." But though *the heires* of both were fully and absolutely restored, the reservation is distinctly *confined* to Thomas, the exact words being, "this statute of adnullacion and restitution extend not for the seid Thomas to eny honour," &c. There is nothing from one end of the Act to the other which debarred any person, with the single exception of the said Thomas, Earl of Surrey, from fully inheriting the whole of the honours formerly enjoyed by John Howard, Duke of Norfolk. The heirs of Thomas, who were innocent parties, were in no way barred; the other heirs of John, who were also innocent parties, were not put under any disabilities, and the disablement above quoted cannot be extended through the wording of the Act beyond the person of the Earl of Surrey, who, in the eyes of

the Crown, had been a rebellious subject. Had not the Earl been subsequently re-created Duke of Norfolk, or had he died without issue, there seems to be no reason why the next heir would not unquestionably have succeeded to the whole of the honours, undiminished, of John Howard, first Duke of Norfolk. One or other of these suppositions must be correct, and either of them would fully explain how and why, without any subsequent grant or more specific restoration, the Baronies were undoubtedly and of right vested in the person of Thomas (Howard), Duke of Norfolk (born, 1536; executed, 1572), of which fact the Act of Parliament of 1604 is very definite and conclusive evidence. That the Act was evidence of this was fully admitted at the hearing of Lord Stourton's Petition.

Thomas Howard, being by the Act confined to the dignity of Earl of Surrey, is best known in history by that description, and probably he is the most famous of all the many notable figures in the ancestry of the successive Houses of Norfolk, save where this ancestry is merged in the Royal line.

After his restoration he was appointed Chief Justice in Eyre, north of the Trent, and in the same year he distinguished himself against the Scots, a success he repeated in 1497. He was reappointed to the Privy Council in 1501, was Treasurer of England 1501-2, and Lord High Steward at the trial, in 1501, of Lord Dudley. He was Marshal of England at the Coronation of King Henry VIII., at which he was the bearer of the spurs and sceptre. On the 10th of July, 1510, he was created Earl-Marshal of England for the term of his life. He was Lieutenant-General in the North in July, 1513, and on the 9th of September following he gained the famous victory over the Scots at Flodden Field. The sword of the King of Scotland, and the turquoise ring taken from the dead body of the King after the battle, are now (1898) preserved in the library of the College of Arms in London. The Earl's reward, for his victory in one of the most decisive battles that have ever been fought, came a few months afterwards. By Letters Patent dated the 1st of February following (1513-14) he was created Duke of Norfolk, with remainder to the heirs male of his body. These Letters Patent, which are remarkable in many ways, confer the Dukedom upon him. "in tam ampl' altior' 't honorific' modo 't forma p'ut aliquis dux Norff' p'antea unquam h'uit usus aut gavisus fuit." The words "aliquis dux" could not possibly refer to any *one* Duke, and consequently be construed to only confer the precedence of his Father's creation, so that the evident meaning is a grant of the precedence enjoyed by the earlier (Mowbray) Dukes, which said precedence dates from 1397.

The same Letters Patent granted the famous augmentation upon the arms of Howard, and as much interest attaches thereto, we quote that part in full as follows :

“ . . . Et ut illa victoria impost'um h'eat in memoria 't cunctis videat' illam p'pet'ia fuisse conduc'oe regimine 't gub'nac'oe d'c'i consanguinei n'ri de ub'iori gr'a n'ra dam' 't concedim' p'fato duci 't hered' suis temporibz futuris imp'p'm in signu' illius victorii q'd ip'e dux 't hered' sui p'd'c' portent 't gerant in medio bende armor' p'prii no'is p'fati ducis videl't scuto de Haward integram medietatem sup'ioris partis leonis rubei sagitta ore confossi depictat'q' rectis coloribz armor' regni Scocie que d'c'us idem Jacobus nup' Rex Scotor' portavit H'end' tenend' 't gerend' d'c'am medietat' sup'ioris partis leonis rubei sagitta ore confossi depictat'q' modo 't forma p'dict' p'fato duci 't hered' suis p'd'c'is imp'p'm . . . ”

Of the foregoing Grant of Augmentation the following is a translation :

. . . . And in order that that victory (the Battle of Flodden) may hereafter be had in memory, and that it may be known to all that it was achieved by the generalship, guidance and governance of our said kinsman, of our more ample grace we give and grant to the aforesaid Duke and his heirs as a sign of the said victory for all time to come, that the said Duke and his heirs aforesaid shall carry and bear in the middle of the bend of the arms of the proper name of the said Duke, to wit on the shield of Howard, a demy lion gules, pierced in the mouth with an arrow, depicted in the colours proper to the arms of the Kingdom of Scotland, borne by the said James, late King of Scotland, to have and hold the said demy lion gules, pierced in the mouth with an arrow, and depicted in the manner and form aforesaid to the said Duke and his heirs aforesaid for ever.

The foregoing gift is remarkable inasmuch as it is one of the earliest grants of augmentation for which documentary evidence can be produced, and especially remarkable inasmuch as whilst it is contained in the same Letters Patent creating the Dukedom of Norfolk with a limitation to the heirs male of his body, the augmentation is given to the Duke “et heredibus suis.” The qualifying limitations of “heirs male” and “heirs of the body” are alike omitted, as is also the term “according to the laws of arms,” which is usually nowadays inserted. Now, the meaning of “heredibus suis” is “heirs general.” Of that there can be no question. The “heirs general” of the said Duke at the present time (1898) are Lord Mowbray, Segrave, and Stourton, and Lord Petre, and it has frequently been stated that the augmentation has descended to them and to them only, which is of course the strict and proper interpretation of the grant. Probably, however, subsequent records and exemplifications have regularized its use by other members of the Howard family. The

subsequent execution of his descendant for the display of the arms of Edward the Confessor, and the grant of those arms with the arms of Thomas "of Brotherton" to which we have already alluded, lead to the consideration whether the Howard family had regularly adopted the rights of their Mowbray ancestors, and whether the words "portent 't gerant in medio bende armor' p'prii noi's p'pati ducis videl't scuto de Haward" were a gentle hint from the King to the Duke that his "proper arms" were those of Howard and not those of King Edward.

The same Letters Patent conveyed to the Duke the gift of thirty manors and two castles, to have and hold of the King by the service of one Knight's fee. The limitation of this gift is also stated and is to the heirs male of his body, which only renders the different limitation which was attached to the augmentation the more striking.

On the same day, by separate Letters Patent, the King created the Duke's son ("Thomas Howard miles d'nus Howard Admirallus Angl") Earl of Surrey, the Duke on that day having resigned this Earldom during his lifetime to the King for that purpose. The Duke was subsequently advanced to other high offices, chief amongst which was his appointment as "Guardian of England" from the 31st of May to the 18th of July, 1520, during the King's absence in France.

He married firstly, on the 30th of April, Elizabeth, widow of Sir Humphrey Bouchier (by whom she was mother of John, Lord Berners) and daughter and heir of Sir Frederick Tylney, of Ashwellthorpe, Co. Norfolk, by Elizabeth, daughter of Lawrence Cheney, and his wife Elizabeth, daughter of Sir John Cokayne, by whom he had issue. She, as Countess of Surrey, died the 4th of April, 1497. Her husband married secondly Agnes, daughter of Sir Philip Tylney, of Boston, Co. Lincoln, receiving a dispensation, as related in the second degree, with licence to marry at the chapel of the castle of Sheriff Hutton, the 17th of August, 1497.

The Duke died at Framlingham Castle the 21st of May, 1524, aged about eighty, and was buried at Thetford Abbey. His remains were subsequently removed to Framlingham, and later to the Howard Chapel at Lambeth. His will, dated the 31st of May, 1520, was proved July the 26th, 1524. He was succeeded by his son and heir Thomas, who, as is above stated, had been created *vitâ patris* Earl of Surrey.

XIV. THOMAS HOWARD, DUKE of NORFOLK and EARL of SURREY, (fourteenth) LORD MOWBRAY, (fifteenth) LORD SEGRAVE, and (third) LORD HOWARD, all in the Peerage of England, EARL-MARSHAL of ENGLAND, KNIGHT of the ORDER of the GARTER, and KNIGHT of ST. MICHAEL of FRANCE, was the eldest son and heir of Thomas Howard, Duke of Norfolk, the victor of Flodden, by his first wife, Dame Elizabeth Bouchier, daughter and heir of Sir Frederick Tylney of Ashwellthorpe, Co. Norfolk, and succeeded his father as Duke of Norfolk the 21st of May, 1524. He was born in the year 1473. He has not been universally numbered amongst the Lords Mowbray and Segrave, but there can be no reason to doubt that on his father's death he then succeeded to those Baronies and also to the Barony of Howard (whether his father held these three Baronies at the date of his death or not), for the reservation in the Act of Parliament of January, 1489-90, reversing the attainders of his father and grandfather (by which his father was restored to the dignity of Earl of Surrey *only*) extended no further than to his father.

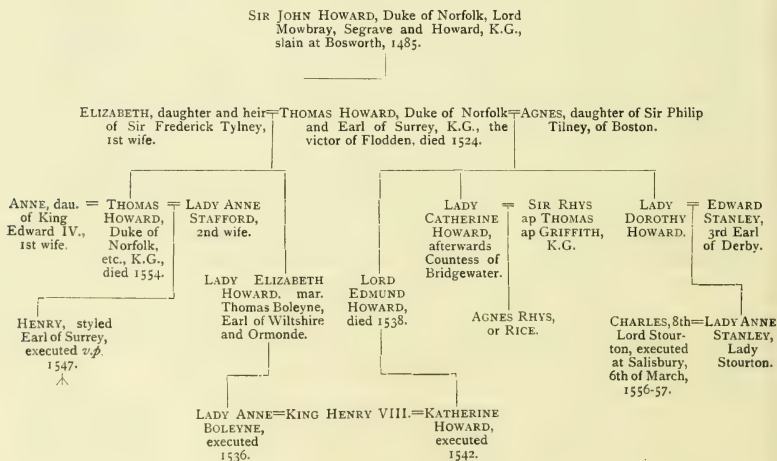
He served in Scotland under his father, then Earl of Surrey, by whom he was knighted in 1498. He was elected a Knight of the Garter the 23rd of April, 1510, being installed on the 28th. He was Lord High Admiral 1513-25 and Captain of the van-guard at the Battle of Flodden Field. On the same day that his father was re-created Duke of Norfolk he himself was created Earl of Surrey for the term of his own life, his father having resigned the Earldom for that period and purpose.

The resignation of a hereditary Peerage into the hands of the Crown is so unusual in the history of the English Peerage, that it may be interesting to quote the precise wording of the resignation as recited in the Letters Patent :

“Et cum idem nup' comes p' scriptum suu' gerent' dat' primo die Februarii anno regni n'ri quinto t' eodem die in cancellar' n'ra irrotulat' de recordo ad contemplac'o'em n'ram p' nomen Thome comitis Surr' remisero renunciav'it sursum reddiderit nob' t' hered' n'ris p' t'mino vite p'fati Thome filii nomen Comitis Surr' ac p'd'c'm titulum statum stilum honorem auctoritatem t' dignitatem Comitis Surr p'd'casq' viginti libras annuas ac cet'a p'missa ac totum jus titulum t' int'esse in eisdem durante vita ejusdem Thome fil' p'ut p' p'd'c'm scriptum plene liquet.”



From that date onwards he enjoyed the highest favour and many great offices, amongst which were Chief Governor of Ireland, Lord High Treasurer, Lieutenant of the Order of the Garter, Lord High Steward, and Lieutenant-General of the Forces in France. On the 28th of May, 1554, he was created Earl-Marshall of England, with remainder to the heirs male of his body. He took an active part in the overthrow of Cardinal Wolsey, and signed the threatening letter to the Pope in 1529. He was made a Knight of St. Michael of France on the 25th of October, 1532. He took the principal part in the suppression of the Pilgrimage of Grace, and afterwards headed the opposition to the new religion and the King's adviser Cromwell. He was Lord High Steward at the trial of his niece, Queen Anne Boleyn; and in later years, after the death of Anne of Cleves, he arranged the marriage of his niece, Katherine Howard, with King Henry VIII. In this connection the following table will be of interest, as showing the intimate relationship at that time of the families to whom these volumes relate :



Together with his eldest son and heir-apparent, Sir Henry Howard, K.G., he was, the 13th of January, 1546-47, indicted for high treason. He was found guilty, degraded from his Knighthood of the Garter, attainted, and sentenced to be executed.



The charges, both against the father and the son, were of the flimsiest, and supported by little or no evidence ; in fact, the main charge of high treason which was preferred, and the only one which was properly substantiated by evidence, was the charge of having set up and used the reputed Arms of King Edward the Confessor.

The record of the proceedings on the attainder of Henry Howard, styled Earl of Surrey (contained in the *Baga de Secretis* for the 38th of Henry VIII.), at the Guildhall, in the City of London, is a lengthy document, but is printed in full in the Minutes of Evidence of the Mowbray and Segrave Case. It sets forth that :

Whereas the most illustrious Lord "Edwardus quondam rex Angl' ante Conq'm Angl' vulgariter vocat Seynt Edward the Confessor" in right of his said Kingdom of England bore and used "arma 't insignia videl't asur a cross flewry betweene fyve m'lett\* gold" ; and whereas those Arms belonged to and were united to the Crown, and only belonged to the King, and whereas the most excellent lord Edward now Prince of this Kingdom of England, son and heir apparent of the King, had borne and used these Arms with three labels silver, and from the time of his birth had of right had these Arms ; and whereas the said Henry Howard, late of Kenyngale in Co. Norfolk, Knight of the Garter, *alias* Earl of Surrey, had by diabolical instigation, of malice aforethought, to the public injury and to the deprivation of Prince Edward, &c., &c., &c., on the "septimo die Octobris anno regni d'c'i d'ni regis nunc tricesimo octavo apud Kennyngale in d'c'o com' Norff' in domo Thome ducis Norff' p'ris sui ib'm fle maliciose 't p'ditore ac palam 't publice h'uit erexit 't gessit ac usus fuit necnon p'ditorie adtunc 't ib'm fieri 't depingi causavit juxta 't conjunct' cum p'priis armis et insigniis ip'ius Henrici Howard' d'c'a arma 't insignia d'c'i d'ni regis nunc cum tribz labellis vocat' thre labell' sylv'," &c.

As the Howards were of Royal Blood, and as the Arms in question are said to have been granted to their maternal ancestors, and as they were set up in conjunction with the Arms of Howard, it is difficult to see wherein the offence lay ; but in those days the assumption of Arms was no light matter, and the Royal Arms were more than sacred. The Earl of Surrey was convicted, attainted, and sentenced to be hung, drawn, and quartered. The sentence was carried out on Tower Hill on the 21st of January, 1546-47, nine days before the death of the King.

The Duke of Norfolk was himself attainted on the 20th of January, 1546-47, and all his honours were therefore forfeited. A Bill for the Attainder of the Duke

\* Martlets.

received the assent of Parliament, and for the Royal Assent a Commission was issued, as the King was in "extremite of sicknes & p'ill of deathe" and unable personally to be present in Parliament.

Owing to the timely death of King Henry VIII., the sentence was not carried out, but the Duke remained a prisoner throughout the reign of King Edward VI.

Immediately upon the accession of Queen Mary the Duke petitioned for the reversal of his attainder, alleging that the Royal Commission was not signed by the King, but only bore his stamp, and that in an improper place, and that there was no proof that the King had assented to the Act, or in fact that the Commissioners had actually given the Royal Assent. The petition also states :

"And forasmuche most gracious sovereigne ladye as th'offence wherwithe yo<sup>r</sup> said subjecte and suppliant was chardged and wherof he was indited was for bearing of armes whiche he and his auncesto<sup>rs</sup> thertofore of long time and continuance had borne aswell within this realme as without and aswell also in the presence of the said late king as in the presence of divers of his noble progenitours king' of this realme of Englande and whiche said armes yo<sup>r</sup> said suppliant and subjecte and his an'ce'to<sup>rs</sup> might lawfullye and justlie beare and give as by good and substanciall matter of recorde it may and dothe appeare."

If, after his own sentence of death, after more than six years' imprisonment, and after the execution of his son, the Duke still openly asserted his right, even in his petition for the clemency of the Crown, there must surely have existed a very real and definite right. The prayer of the petition was granted, and by Act of Parliament the Act of Attainder was declared void, and the Duke was fully restored. His Garter was restored to him, and he was replaced upon the Privy Council, after which he held high office.

He married, firstly, on the 4th of February, 1494-95, the Lady Anne Plantagenet, fifth daughter of King Edward IV., and his Queen Elizabeth Wydville. Of this marriage four children were born. Only one, Thomas, survived to be baptized, and this child died shortly afterwards. The Lady Anne Plantagenet, Countess of Surrey, died probably in the year 1512, leaving no surviving issue. The Duke of Norfolk married, secondly, Lady Elizabeth Stafford, daughter of Edward Stafford, Duke of Buckingham, who was the mother of his surviving children. The Duke died at Kenninghall the 25th of August, 1554, aged 80. The Duchess survived her husband, dying the 30th of November, 1558. The Duke was succeeded in all his honours by his grandson.

XV. THOMAS HOWARD, DUKE OF NORFOLK, EARL OF SURREY, (fifteenth) LORD MOWBRAY, (sixteenth) LORD SEGRAVE, and (fourth) LORD HOWARD, all in the Peerage of England, EARL-MARSHAL, KNIGHT of the BATH, KNIGHT of ST. MICHAEL of FRANCE, was the son and heir of Sir Henry Howard, K.G., styled Earl of Surrey, by Frances his wife, daughter of John de Vere, Earl of Oxford, and grandson and heir of Thomas Howard, Duke of Norfolk, &c., K.G., by his second wife, Lady Elizabeth Stafford, daughter of Edward Stafford, Duke of Buckingham, and succeeded his grandfather in all his honours the 25th of August, 1554.

He was born the 10th of March, 1536, and immediately upon the accession of Queen Mary he was fully restored in blood and honours, being thereafter styled Earl of Surrey.

He was made Knight of the Bath the 29th of September, 1553, officiating as Assistant Earl-Marshal at Queen Mary's Coronation on the 1st of October, 1553. He was first Gentleman of the Chamber to King Philip from July to August, 1554, appointed Lord-Lieutenant of Norfolk and Suffolk in 1559, and Lieutenant-General in the North, for the expulsion of the French from Scotland, 1559-60. He was chosen a Member of the Privy Council in 1563, and was for some time Vice-President. He was imprisoned on suspicion of high treason, but was released in August, 1570. The Duke, however, resumed his intrigues, and endeavoured to effect a marriage between Mary Queen of Scots and himself. He was tried and convicted of high treason on the 16th of January, 1571-72, and was attainted, whereby all his honours were forfeited. He was executed on Tower Hill on the 2nd of June, 1572, at the age of 36, and was buried in the chapel of the Tower.

He married, firstly, before November, 1556, Mary, daughter, and (in her issue) eventually (1580) sole heir of Henry FitzAlan, Earl of Arundel (by his first wife, Catherine, daughter of Thomas Grey, Marquess of Dorset), of which marriage there was issue. The Duchess of Norfolk died the 25th of August, 1557, in her 17th year. The Duke married, secondly, in 1557, Margaret, widow of Lord Henry Dudley, eldest daughter, and eventually sole heir, of Thomas Audley, Lord Audley of Walden (by his second wife, Elizabeth, another daughter of the above-mentioned

Thomas Grey, Marquess of Dorset). There was issue also of this marriage. Margaret, Duchess of Norfolk, died the 9th of January, 1563-64. The Duke of Norfolk married, thirdly, after July, 1566, Elizabeth, Dowager Baroness Dacre of Gillesland, and second daughter of Sir James Leyburne of Cunswick, Co. Westmorland.

The funeral certificate of Margaret, the second wife of the Duke, was produced in evidence at the hearing of Lord Stourton's Petition to prove that the Baronies of Mowbray and Segrave had been vested in Thomas, Duke of Norfolk. In it she is described as "the Right Noble and Excellent Princesse Margaret Duchesse of Norffolke (late ij<sup>d</sup> wyfe to the Right Highe & Myghtie Prynce Thom<sup>s</sup> nowe duke of Noffolke Erle Marshall of Englande Lorde Mowbray Segrave & of Brews & Knight of the moste noble ordre of the Garter)," &c.

The only issue of the Duke of Norfolk by his first wife, Mary, daughter of Henry FitzAlan, Earl of Arundel, was a son, Philip, born the 28th of June, 1557, and styled Earl of Surrey until the attainder of his father in 1572. He succeeded his maternal grandfather above-named on the 24th of February, 1579-80, as Earl of Arundel and Lord Maltravers. The Baronies of FitzAlan, and Clun and Oswaldestre are also attributed to him, but there is much doubt whether these Lordships were heritable Peerage Dignities before the date of the Act of Parliament of 1627, which entailed the Earldom and Castle of Arundel with the Baronies of Maltravers, FitzAlan, and Clun and Oswaldestre upon the heirs male of the then Duke of Norfolk. But as apparently neither these honours, nor a co-heirship thereto, have devolved upon the House of Stourton, it is hardly necessary herein to deal further with the point.

Philip, Earl of Arundel, was summoned to Parliament, and sat under that designation, the Journals of the House of Lords for the 22nd year of the reign of Queen Elizabeth being produced at the hearing of Lord Stourton's Petition for the purpose of proving this. As Earl of Arundel he was ranked as premier Earl. In the 23rd of Queen Elizabeth an Act was passed for the restoration "onely in blood" of Philip, Earl of Arundel, but he himself being convicted of high treason, he was attainted and all his honours were forfeited. He was sentenced to death, but the sentence was not executed, and he was imprisoned in the Tower, where he died in 1595. He married Anne Dacre, eldest sister and co-heir of George Dacre, Lord Dacre of Gillesland, through which marriage the senior co-heirship to the Barony of Dacre devolved upon his heirs general.

The son and heir of Philip, Earl of Arundel, was Thomas, eventually Earl of Arundel, Surrey, and Norfolk.

XVI. THOMAS HOWARD, EARL OF ARUNDEL, EARL OF SURREY, EARL OF NORFOLK, (sixteenth) LORD MOWBRAY, (seventeenth) LORD SEGRAVE, (fifth) LORD HOWARD, LORD MALTRAVERS, LORD FITZALAN, LORD CLUN AND OSWALDESTRE, all in the Peerage of England, EARL-MARSHAL OF ENGLAND, and KNIGHT of the ORDER of the GARTER, was the son and heir of Philip Howard, Earl of Arundel, by his wife, Anne Dacre, sister and co-heir of George Dacre, Lord Dacre of Gillesland, and grandson and heir of Thomas Howard, Duke of Norfolk, K.G., by his first wife, Mary, daughter of Henry FitzAlan, Earl of Arundel. He was born the 7th of July, 1585. His father died the 19th of October, 1595, but everything was at that time under attainder.

In the 1st of James I. an Act was passed for the reversal of the several attainders of his father and grandfather. This Act is of singular importance as relating to the Baronies of Mowbray and Segrave, and consequently it is desirable to quote the crucial clause at length:

“And be yt enacted by auctoritie of the same That yo<sup>r</sup> sayd subiect be and shall from henceforth be fully and absolutelie restored inobled and enabled as well to all and singuler the stats titles places and degrees of hono<sup>r</sup> nobilitie and dignitie precedence and preheminance whatsoever wh<sup>ch</sup> the sayd Phillipp late erle of Arundell forfayted and lost by his sayd attaindo<sup>r</sup>. As also to the hono<sup>r</sup> state and dignitie of Erle of Surrey and to such dignitie of Barronies onlie wh<sup>ch</sup> the sayd late duke of Norff<sup>e</sup> forfeited & lost by his sayd attaindo<sup>r</sup>. To have and to hold the sayd stats titles degrees honors and dignities of Erle of Arundell Erle of Surrey, and the Baronyes aforesayd,” &c.

No Baronies are specifically named, and at the hearing of Lord Stourton's petition the question was raised whether the Baronies of Mowbray and Segrave were included. It was suggested that it might refer only to the Barony of Howard, but it was at once pointed out that the Act said “baronies,” which the said late Duke of Norfolk forfeited. Consequently, there must of a certainty have been more than one. The only Baronies which the Duke could possibly have inherited were Mowbray, Segrave, Howard, and Braose of Gower.

The latter had been sometimes assumed by the Howard family, but whatever right to it (strictly speaking, apparently, a co-heirship only) they possessed came



through, and attached to, the Barony of Mowbray. The Baronies of Mowbray and Segrave had become inseparably united before they devolved upon the House of Howard. So that, whatever Baronies the Duke possessed, he certainly possessed amongst them the Baronies of Mowbray and Segrave. As the numerous forfeitures and restorations which are known to have taken place had been such that they must have in every case affected the Baronies of Mowbray and Segrave and the Barony of Howard identically, there can be no doubt this Act of Restoration included the three Baronies of Mowbray, Segrave, and Howard which we have just alluded to.

The Earl of Arundel and Surrey took his seat in Parliament the 23rd of January, 1605. On the 29th of August, 19th James I., 1621, he was appointed Earl-Marshal for life.

In 1627 he obtained an Act of Parliament, in which it is recited "That whereas the title name and dignitie of Earle of Arundell is and from the time whereof the memory of man is not to the contrary hath been reall and loyall and hath from the time aforesaid belonged vnto and bene used and enioyed by himselfe and such of the ancesto's of the said Earle of Arundell as have had in them and enioyed the inheritance of the castle honour and lordshipp of Arundell in the countie of Sussex and by reason of the inheritance and seasen of the said castle honour and lordshipp the said Earle and his said ancesto's from the time whereof the memory of man is not to the contrary have bene Earles of Arundell and have thereby had vsed borne and enioyed the title name and dignitie of Earle of Arundell and thereby alsoe have from the time aforesaid had and enioyed their places in yo<sup>r</sup> maiesties parliaments and councells and elsewhere as Earles of Arundell"; and for various other considerations which are detailed in the Act (which is printed in the Minutes of Evidence in the Mowbray and Segrave Peerage Case) it was therefore "ordeyned established and enacted by the authoritie aforesaid that the said title name and dignitie of Earle of Arundell and castle honour and lordshipp of Arundell and the Baronies hereafter ensueing That is to say the said titles names and dignities of Lord Fitz-Allen Lord of Clunn and of Oswaldestre and Lord Maltravers and of all places preheminences armes ensignes and dignities to the said Earledome Castle Honour and Baronies belonging and the borrough and mano<sup>r</sup> of Arundell aforesaid," with a long schedule of lands and properties with their rights and appurtenances "may and shall for ever by vertue of this acte stand be and remaine estated conveyed assured lymitted and settled in manner and forme following that is to say to him the said Thomas earle of Arundell and Surrey and the heires male of his body lawfully begotten and to be begotten and for default of such yssue then to the heires of the body of the said Earle lawfully begotten and to be begotten and for default of such yssue then to the right honorable the lord William Howard

vnclē of the said Earle and sonne of the right noble prince Thomas late duke of Norfolk and the heires male of the bodie of the said lord William Howard lawfully begotten and to be begotten and for default of such yssue then to the heires of the body of the said lord William Howard lawfully begotten and for default of such yssue to the said Thomas earle of Arundell and Surrey and his heires for ever."

This Act is remarkable in many ways. It created one of the very few perfect entails in existence, for its terms are so wide-reaching that it is almost inconceivable that the hereditary succession can ever lapse. It entailed landed estates upon the holders of a specific Peerage. It formally recognised the feudal tenure of the Earldom, and though its distinctly feudal character was diminished by the entail created by the Act, the Castle of Arundel, by seizin of which the honours had existed, was inseparably joined to the Peerage. It required the "Wardens and Com'onalty of the mistery of Fishmongers of the city of London and their successors" to receive and expend upon the repair of Arundel Castle and Arundel House the yearly sum of two hundred pounds. It settled even the furniture, jewels, plate, hangings, pictures, household stuffs, statues, and all pedigrees and books of arms. And finally it wrested the Earldom of Arundel and the Barony of Maltravers from the heirs general, postponing the latter in the succession to the heirs male of the then Earl of Arundel. Such an interference with the original destination of a Peerage Dignity is almost unique in this country. The limitations of the dignities as specified in the Act of Parliament, and as quoted above, should be noted, inasmuch as they are usually to be found stated inaccurately.

On the 6th of June, 1644, the Earl of Arundel and Surrey was created Earl of Norfolk, with remainder to the heirs male of his body, and in default thereof to the heirs male of the body of the late Earl of Suffolk, and in default thereof to the heirs male of the body of Lord William Howard.

The Earl of Arundel, Surrey and Norfolk married, in September, 1606, Alethea, youngest daughter (and at the time of her marriage a co-heir) of Gilbert Talbot, 12th Earl of Shrewsbury and Earl of Waterford, Lord Furnivall, Lord Strange de Blackmere, and Lord Talbot, K.G. (by his wife, Mary Cavendish, sister of William, 1st Earl of Devonshire, and daughter of Sir William Cavendish, of Chatsworth, by his wife, the celebrated "Bess of Hardwicke"), and eventually (December, 1651) sole heir and *suo jure* Baroness Furnivall, Baroness Strange de Blackmere, and Baroness Talbot. She died at Amsterdam, the 24th of May, 1654, and was buried at Rotherham, Co. York. The Earl of Arundel, Surrey and Norfolk died at Padua the 4th of October, 1646. He was succeeded by his son, Henry Frederick, Earl of Arundel, Surrey and Norfolk.



XVII. HENRY FREDERICK HOWARD, EARL OF ARUNDEL, EARL OF SURREY, EARL OF NORFOLK, (seventeenth) LORD MOWBRAY, (eighteenth) LORD SEGRAVE, (sixth) LORD HOWARD, LORD MALTRAVERS, LORD FITZALAN, LORD CLUN AND OSWALDESTRE, all in the Peerage of England, was the second but eldest surviving son and heir of Thomas, Earl of Arundel, Surrey, and Norfolk, &c., K.G., by his wife, Alethea, *suo jure* Baroness Furnivall, Strange, and Talbot, youngest daughter, and eventually sole heir, of Gilbert Talbot, Earl of Shrewsbury and Waterford.

He was born the 15th of August, 1608, and was styled Lord Maltravers from 1624 until the 13th of April, 1639. On that date, and during his father's lifetime, he was summoned to Parliament in his father's Barony of Mowbray. He is placed first amongst the Barons in the Parliamentary Pawn of the 15th Charles I. The name there appears upon the list, "Predil'c'o 't fideli suo Henr' Mowbray ch'r. T. xxj Marcii."

This Writ is of singular importance, inasmuch as the placing of Lord Mowbray, which will be presently referred to, proves that he was summoned in the ancient Barony of Mowbray, which must therefore, as has been already explained, have been then vested in the person of his father, as, had the Barony been still in abeyance, the Crown could not by this Writ have terminated the abeyance, inasmuch as Lord Mowbray himself was not a co-heir.

The Journals of the House of Lords for 1640 have the following entry on the 16th of April :

"This day theise Lords following were brought into the parliament house on this manner viz' The gentleman usher with his blacke rodd Garter kinge of armes the lord greate chamberlaine with his white staffe and the Earle Marshall came in.

And after them the lord Mowbray in his robes was brought in betweene the lord Strange and the lord North and the writt beinge delivered upon the knee to the lord keeper and hee delivering it to the clerke it was reade. And then the said lord Mowbray was brought to his place at the upper end of the Barons bench."

The precedence of the Barony of Mowbray over all other Baronies then existing was thereby acknowledged, and it should be particularly noted that Lord Mowbray was ranked above Lord Abergavenny. But it will be necessary to again allude to this point shortly.

He succeeded his father on the 26th of September, 1646, thereby becoming Earl of Arundel, Surrey, and Norfolk. He married in 1626 Lady Elizabeth Stuart, daughter of Esmé Stuart, Earl of March, K.G., afterwards Duke of Lennox in the Peerage of Scotland, and Earl of Richmond in the Peerage of England. The Earl of Arundel, Surrey, and Norfolk died in Arundel Street, Strand, the 17th of April, 1652, and was buried at Arundel, Co. Sussex. He was succeeded by his son and heir.

XVIII. THOMAS HOWARD, DUKE OF NORFOLK, EARL OF ARUNDEL, EARL OF SURREY, EARL OF NORFOLK, (eighteenth) LORD MOWBRAY, (nineteenth) LORD SEGRAVE, (seventh) LORD HOWARD, LORD MALTRAVERS, LORD FITZALAN, LORD CLUN AND OSWALDESTRE, LORD FURNIVALL, LORD STRANGE DE BLACKMERE, and LORD TALBOT, all in the Peerage of England, was the son and heir of Henry Frederick, Earl of Arundel, Surrey, and Norfolk, by his wife, Lady Elizabeth Stuart, daughter of the Duke of Lennox.

He was born the 9th of March, 1627, and was known as Lord Maltravers from 1649 to 1652, in which year, on the 17th of April, he succeeded his father in all his honours.

On the death of his paternal grandmother, [Alethea (Talbot) Countess of Arundel, Surrey and Norfolk, *suo jure* Baroness Furnivall, Strange de Blackmere, and Talbot, daughter and eventually sole heir of Gilbert Talbot, Earl of Shrewsbury,] he succeeded to the three Baronies of Furnivall, Strange de Blackmere, and Talbot.

Whilst with his grandfather at Padua he had brain fever, from which his mental faculties never recovered, and he apparently never returned to England.

In the 12th year of Charles II., upon the petition of James, Earl of Suffolk, Thomas, Earl of Berkshire, William, Viscount Stafford, Charles, Lord Howard of Charleton, Edward, Lord Howard of Escricke, Henry Howard, second son of the late Earl of Arundel, Surrey, and Norfolk, deceased, and Charles Howard of Naworth, being all lineally descended from Thomas, late Duke of Norfolk, deceased, "for and on the behalfe of Thomas now earle of Arundell Surrey and Norffolke now beyond the sea" an Act was passed restoring the said Earl "vnto the honno<sup>r</sup> dignity state authoritie and title of Duke of Norffolke" with remainder to the heirs male of his body, and in default to the "heirs males"\* of Henry, late Earl of Arundel, Surrey, and Norfolk, and in default to the heirs male of the body of the said Thomas, Earl of Arundel, Surrey, and Norfolk (son of Philip, Earl of Arundel and Surrey), and in default to the heirs male of the body of Thomas, late Earl of Suffolke, deceased, and

\* The words "of the body" are here omitted.

in default to the heirs male of the body of Lord William Howard of Naworth, in the county of Cumberland, deceased, and in default to the heirs male \* of Charles, Earl of Nottingham.

This Act was confirmed by a further Act of Parliament in the 13th year of Charles II.

On the 19th of December, 1670, as shown by the Journals of the House of Lords, the Petition of George, Lord Berkeley, to his Majesty concerning his precedence in Parliament (see page 822) was read in the House of Lords, and it was ordered that the claim should be heard on the 10th of January following. On the 14th of February Lord Berkeley's counsel was heard, and Lord Delawarr desired that his counsel might be heard in opposition. "And the Earle of Berks desired that the Duke of Norfolk's counsell might be also heard concerning his clayme of precedency as Lord Mowbray. Whereupon the lord Berkeley of Berkley declared in the house that his clayme of precedency is only relating to the lord Delawarr lord Awdley and lord Abergavenny but not to the Duke of Norfolke as lord Mowbray to whom he quitts any pretence of precedency."

Apparently the claim made on behalf of the Duke of Norfolk was fully admitted by the House, inasmuch as the order of the House upon the point related only to the dispute between Lord Berkeley and Lord Delawarr.

The Duke of Norfolk died unmarried at Padua the 13th of December, 1677, aged 50, and was buried a year later, on the 11th of December, 1678, at Arundel. He was succeeded in all his honours by his brother Henry, who had previously been created Earl of Norwich, &c.

\* In this final remainder the words "of the body" are omitted.

XIX. HENRY HOWARD, DUKE OF NORFOLK, EARL OF ARUNDEL, EARL OF SURREY, EARL OF NORFOLK, EARL OF NORWICH, (nineteenth) LORD MOWBRAY, (twentieth) LORD SEGRAVE, (eighth) LORD HOWARD, LORD MALTRAVERS, LORD FITZALAN, LORD CLUN AND OSWALDESTRE, LORD FURNIVALL, LORD STRANGE DE BLACKMERE, LORD TALBOT, and BARON HOWARD OF CASTLE RISING, Co. Norfolk, all in the Peerage of England, and EARL-MARSHAL of England, was the younger son of Henry Frederick, Earl of Arundel, Surrey, and Norfolk, by his wife, Lady Elizabeth Stuart, daughter of the Duke of Lennox.

He was born the 12th of July, 1628, at Arundel House, Strand, and was styled "Lord Henry Howard" from 1661 until the 7th of March, 1669, when he was created Baron Howard of Castle Rising, Co. Norfolk, with remainder to the heirs male of his body. On the 19th of October, 1672, he was created by Letters Patent Earl of Norwich, with remainder to the heirs male of his body; and by the same Letters Patent he was given the office of Marshal of England, by the name and title of "Earl-Marshal of England." The remainder attached to the gift of the office of Earl-Marshal amounted to the same remainder as that recited in the Act for the restoration of the Dukedom of Norfolk.

The Journals of the House of Lords for the year 1672 show that on the 30th day of October in that year "Henry lord Howard of Castle Rysing being created Earle of Norwich and Earle Marshall of England was introduced betweene the Earle of Carlile and the Earle of Alisbury His patent being reade bearing date the 19th of October a<sup>o</sup> d<sup>ni</sup> regis Carl' 2<sup>di</sup> 24 he was placed in his place as Earle Marshall of England."

This entry would go far to prove that Peerage dignity and rank actually attached to the office of Earl-Marshal.

The Duke of Norfolk married firstly, before 1654, Lady Anne Somerset, eldest daughter of Edward Somerset, second Marquess of Worcester, by his first wife Elizabeth, daughter of Sir William Dormer. By this marriage he had issue. The Duke married, secondly, Jane, daughter of Robert Bickerton, Gentleman of the King's Wine-Cellar. He died the 11th of January, 1683-84, at Arundel House, Strand, aged 55, and was buried at Arundel. He was succeeded by his son Henry, who had been previously summoned to Parliament as Lord Mowbray.

XX. HENRY HOWARD, DUKE OF NORFOLK, EARL OF ARUNDEL, EARL OF SURREY, EARL OF NORFOLK, EARL OF NORWICH, (twentieth) LORD MOWBRAY, (twenty-first) LORD SEGRAVE, (ninth) LORD HOWARD, LORD MALTRIVERS, LORD FITZALAN, LORD CLUN AND OSWALDESTRE, LORD FURNIVALL, LORD STRANGE DE BLACKMERE, LORD TALBOT, and BARON HOWARD, OF CASTLE RISING, Co. Norfolk, all in the Peerage of England, EARL-MARSHAL OF ENGLAND, and KNIGHT of the ORDER of the GARTER, was the son and heir of Henry, Duke of Norfolk, by his first wife, Lady Anne Somerset, daughter of Edward, Marquess of Worcester.

He was born the 11th of January, 1653-54, and was styled "Earl of Arundel" from 1677 to 1684. He became a Protestant in April, 1679. He was appointed Constable of Windsor Castle, 1682, Lord-Lieutenant of the counties of Berks and Surrey, 1682, and of Norfolk in 1683. He succeeded his father in all his honours the 11th of January, 1684, and was elected a Knight of the Garter in the May following.

In his father's lifetime he was called up to the House of Lords in his father's Barony of Mowbray on the 14th of January, 1677-78 by a Writ of Summons, directed "Predil'c'o 't fideli suo Henr' Mowbray ch'r."

The Journals of the House of Lords contain a most important entry relating to Lord Mowbray, under the date of the 28th of January, 1677. The entry is as follows :

"Then the Lord Chancellor acquainted the house that his Ma<sup>ty</sup> hath been pleased to issue out a writ of sum'ons to the lord Henry Howard eldest sonn to the present Duke of Norfolk to attend in this parliament by the name and tytle of Henry Mowbray Chevalier and there being question whether his lo<sup>p</sup> should sit in and enjoy the ancient place of the lord Mowbray the journal booke of the house of Peeres was produced wherein it did appeare that on the 16th day of Aprill 1640 Henry lord Mowbray grand-father to this Henry lo. Mowbray was introduced and placed at the upper end of the Barons Bench Also many presidents were vrged of the like nature.

And after a full consideration thereof the house ordered that the said lord Mow-

bray should be called in and introduced in the place of his grand-father as lord Mowbray, at the upper end of the Barons Bench.

Accordingly his lo'p was introduced in his robes between the Lo' Vi'c' Stafford and the lord Howard of Esc' the Lord Great Chamberlain and the Earle of Peterborough deputy Earle Marshall and Garter king of armes going before him his lo'p delivered his writt of sum'ons vpon his knee to the Lord Chancellor who delivered it to the clerke of the Parliam<sup>ts</sup> who reade the same bearing date the 14<sup>th</sup> day of this instant January and then his lo'p was placed by the Lord Great Chamberlain and the deputy E. Marshall at the upper end of the Barons bench in the place of his grand-father."

The Parliamentary Pawn for 31st Charles II. was also produced in evidence, to prove that on the 24th July then instant the same "Henrico Mowbray ch'r" had also a Writ of Summons, as well as his father, "Henrico duci Norff," to attend the Parliament called in that year.

A copy of the inscription upon the Duke's Garter Plate will be found on page 817. In it he styles himself, "primier Duc, Comte, & Baron *D'Angleterre*."

The Duke of Norfolk, on the 8th of August, 1677, was married to Lady Mary Mordaunt, daughter and heir (afterwards *suo jure* Baroness Mordaunt) of Henry Mordaunt, second Earl of Peterborough. He divorced her by Act of Parliament the 11th of April, 1700. There was no issue born of this marriage. The Duke died without issue at Norfolk House, St. James's Square, the 2nd of April, 1701, aged 46, and was buried at Arundel the 8th of the same month. He was succeeded by his nephew, Thomas Howard.



XXI. THOMAS HOWARD, DUKE OF NORFOLK, EARL OF ARUNDEL, EARL OF SURREY, EARL OF NORFOLK, EARL OF NORWICH, (twenty-first) LORD MOWBRAY, (twenty-second) LORD SEGRAVE, (tenth) LORD HOWARD, LORD MALTRAVERS, LORD FITZALAN, LORD CLUN AND OSWALDESTRE, LORD FURNIVALL, LORD STRANGE DE BLACKMERE, LORD TALBOT, and BARON HOWARD OF CASTLE RISING, Co. Norfolk, all in the Peerage of England, EARL-MARSHAL of ENGLAND, was son and heir of Lord Thomas Howard, of Worksop, Co. Notts (brother of Henry, Duke of Norfolk), by Mary Elizabeth, daughter of Sir John Savile, Baronet, and nephew and heir of Henry, the then late Duke of Norfolk, K.G., whom he succeeded the 2nd of April, 1701. He married, the 26th of May, 1709, Maria Winifreda Francisca, daughter of Sir Nicholas Sherburn, Baronet, of Stonyhurst, Co. Lancaster, but had no issue. He died at Norfolk House, St. James's Square, London, the 23rd of December, 1732, aged 49, and was buried at Arundel, being succeeded by his brother, Edward Howard.

XXII. EDWARD HOWARD, DUKE OF NORFOLK, EARL OF ARUNDEL, EARL OF SURREY, EARL OF NORFOLK, EARL OF NORWICH, (twenty-second) LORD MOWBRAY, (twenty-third) LORD SEGRAVE, (eleventh) LORD HOWARD, LORD MALTRAVERS, LORD FITZALAN, LORD CLUN AND OSWALDESTRE, LORD FURNIVALL, LORD STRANGE DE BLACKMERF, LORD TALBOT, and BARON HOWARD OF CASTLE RISING, Co. Norfolk, all in the Peerage of England, EARL-MARSHAL OF ENGLAND, was a son of Lord Thomas Howard, of Worksop, Co. Notts (brother of Henry, Duke of Norfolk), by his wife, Mary Elizabeth, daughter of Sir John Savile, Baronet, and brother and heir of Thomas, Duke of Norfolk, whom he succeeded the 23rd of December, 1732.

He was born the 5th of June, 1686, and was suspected of favouring the Jacobite rebellion of 1715. He was tried for high treason, but acquitted.

He married, on the 26th of November, 1727, Mary, second daughter and co-heir of Edward Blount, of Blagden, Co. Devon, but died without issue at Norfolk House, St. James's Square, London, the 20th of September, 1777, in his 92nd year, and was buried on the 2nd of October following at Arundel.

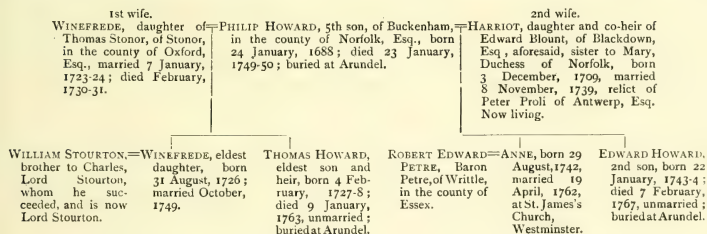
At his death the entire male issue of Henry, Duke of Norfolk (b. 1628, d. 1683-84), came to an end, and consequently the Earldom of Norwich and the Barony of Howard of Castle Rising became extinct. The Dukedom of Norfolk, the Earldoms of Arundel, Surrey, and Norfolk (cr. 1644), with the three Baronies of Maltravers, FitzAlan, and Clun and Oswaldestre, devolved upon his second cousin, Charles Howard [son and heir of Henry Charles Howard of Greystoke, Co. Cumberland, who was son and heir of Lord Charles Howard, who was a younger brother of Thomas, Duke of Norfolk (restored 1660)], who thereupon became Duke of Norfolk, &c.

The Baronies held in fee and heritable by heirs general, namely, Mowbray, Segrave, Howard, Furnivall, Strange de Blackmere, and Talbot, fell into abeyance between Charles Philip, afterwards 17th Lord Stourton (son and heir of Winifred [Howard], Lady Stourton, elder daughter of Philip Howard, Esquire, of Buckenham, younger brother of Thomas and Edward, Dukes of Norfolk) and Anne (Howard), Lady Petre, younger daughter and co-heir of the said Philip Howard, Esquire, of Buckenham.

The Baronies of Howard, Furnivall, Strange de Blackmere, and Talbot, still (1898) remain in abeyance. The abeyance of the Baronies of Mowbray and Segrave continued in the persons of the respective Lords Stourton and Lords Petre until 1878, when it was determined in favour of Alfred Joseph, twentieth Lord Stourton, as will be presently related.

On the 17th of May, 1770, Edward Howard, Duke of Norfolk, entered over his signature, "Norfolk, E.M.," his pedigree among the Peers' pedigrees in the House of Lords, and on the 10th of March, 1778, his cousin and successor in the Dukedom, viz., Charles Howard, Duke of Norfolk, likewise recorded his pedigree in the same Records, signed "Norfolk E.M."

Both these pedigrees demonstrated that all the other brothers of Thomas and Edward, successively Dukes of Norfolk, were then deceased, and that the only one who left issue was, as already stated, Philip Howard, of Buckenham, Co. Norfolk. The following is extracted from the Pedigree of Edward Howard, 9th Duke of Norfolk :



Charles Howard, Duke of Norfolk, added to the names of both Lord Stourton and Lord Petre the words, "and hath issue."

Philip Howard, of Buckenham House, Norfolk, by his will of the 7th of June, 1745, proved at London the 10th of February, 1749, after recommending his soul to the infinite mercy of his dear Redeemer, our Saviour Jesus Christ, and his body to be interred at the family burying-place at Arundel Church, in Sussex, left legacies to his children, Thomas and "Winefred," whom he left to the care and tuition of his brother Edward, Duke of Norfolk, and to his children Edward and Anne, whom he left to the care and tuition of his beloved wife, Henrietta Howard, who, as his widow and sole executrix, proved his will. Thus his issue is clearly ascertained.

Thomas Howard, his son, "of Bokinham House," Co. Norfolk, Esquire, made his will the 10th of December, 1762. It was proved by his step-mother, Henrietta Howard, widow, the sole executrix, on the 1st of February, 1763. He made no mention of either of his sisters, but bequeathed the whole of his real and personal estate, after payment of debts, &c., to his brother, Edward Howard, and to his heirs for ever. The said Edward Howard, his half-brother, described as late of the parish of St. James, Westminster, in the county of Middlesex, Esquire, died intestate and a bachelor on the 7th of February, 1767, and on the 23rd of March following administration of his goods, chattels, and credits was granted to the "right honorable Ann lady Petre (wife of the right honorable Robert Edward Lord Petre), the natural and lawful sister of the said deceased" after the "hon'ble Henrietta Howard widow the natural and lawful mother and next of kin of the said deceased" had first renounced the same.

The foregoing were the proofs produced to establish the abeyance at the hearing of Lord Stourton's Petition.

The following tabular pedigree will perhaps more clearly explain the various relationships through which the Baronies in fee fell into abeyance. Many names immaterial to the point at issue are omitted, and the pedigree should not be considered as a complete genealogical table of the Howard family.

MARY FITZALAN, daughter and eventually sole heiress of Lord Fitzalan, by Elizabeth, his second wife, daughter of Thomas Grey, Marquess of Dorset. Died at Norwich, 9 June 1557, aged 17; buried at St. Clements Danes.

ANNE, sister and co-heiress of Philip Howard, Earl of Arundel, of Castle, Sussex, Lord Fitzalan, Lord Clun and Oswestrie, and 15th Earl of Arundel, and sat as Premier Earl. Died in the Tower of London, 1595.

THOMAS HOWARD, 16th Lord Mowbray, and 17th Lord Segrave, under age at his father's death, having been born 7 July 1565. Summoned to Parliament in his father's barony of Mowbray, and on 1 April, 1566, he was created Earl of Arundel, and 16th Earl of Arundel. Died in Arundel Street, Strand, 17 April, 1652; buried at Arundel, Co. Sussex.

HENRY FREDERICK HOWARD, 17th Lord Mowbray, and 18th Lord Segrave, Lord Howard, Earl of Arundel. Born 15 August, 1608. Summoned to Parliament in his father's barony of Mowbray, and on 1 April, 1610, he was created Earl of Arundel, and 17th Earl of Arundel. Died in Arundel Street, Strand, 17 April, 1652; buried at Arundel, Co. Sussex.

THOMAS HOWARD, 18th Lord Mowbray, and 19th Lord Segrave, Earl of Arundel, and 18th Earl of Arundel, and 16th Earl of Arundel, and 15th Earl of Arundel, and 14th Earl of Arundel, and 13th Earl of Arundel, and 12th Earl of Arundel, and 11th Earl of Arundel, and 10th Earl of Arundel, and 9th Earl of Arundel, and 8th Earl of Arundel, and 7th Earl of Arundel, and 6th Earl of Arundel, and 5th Earl of Arundel, and 4th Earl of Arundel, and 3rd Earl of Arundel, and 2nd Earl of Arundel, and 1st Earl of Arundel.

HENRY HOWARD, 19th Lord Mowbray, and 20th Lord Segrave, Lord Howard, Earl of Arundel, and 19th Earl of Arundel, and 18th Earl of Arundel, and 17th Earl of Arundel, and 16th Earl of Arundel, and 15th Earl of Arundel, and 14th Earl of Arundel, and 13th Earl of Arundel, and 12th Earl of Arundel, and 11th Earl of Arundel, and 10th Earl of Arundel, and 9th Earl of Arundel, and 8th Earl of Arundel, and 7th Earl of Arundel, and 6th Earl of Arundel, and 5th Earl of Arundel, and 4th Earl of Arundel, and 3rd Earl of Arundel, and 2nd Earl of Arundel, and 1st Earl of Arundel.

THOMAS HOWARD, Duke of Norfolk, Earl Marshal, and eventually sole heiress of Lord Henry Dudley, and eldest daughter and eventually sole heiress of Thomas Audley, Lord Audley, by Elizabeth, his second wife, daughter of Thomas Grey, Marquess of Dorset. Died at Norwich, 9 June 1557, aged 17; buried at St. Clements Danes.

LORD WILLIAM HOWARD. Restored in blood by Act of Parliament, and sister and co-heiress of George Dacre, Lord Dacre of Gillingham.

Sir FRANCIS HOWARD, of Mary, daughter of Sir Henry Widdrington, Knight, of Widdrington Castle, Northumberland. Born 29 August, 1588, and died in 1660.

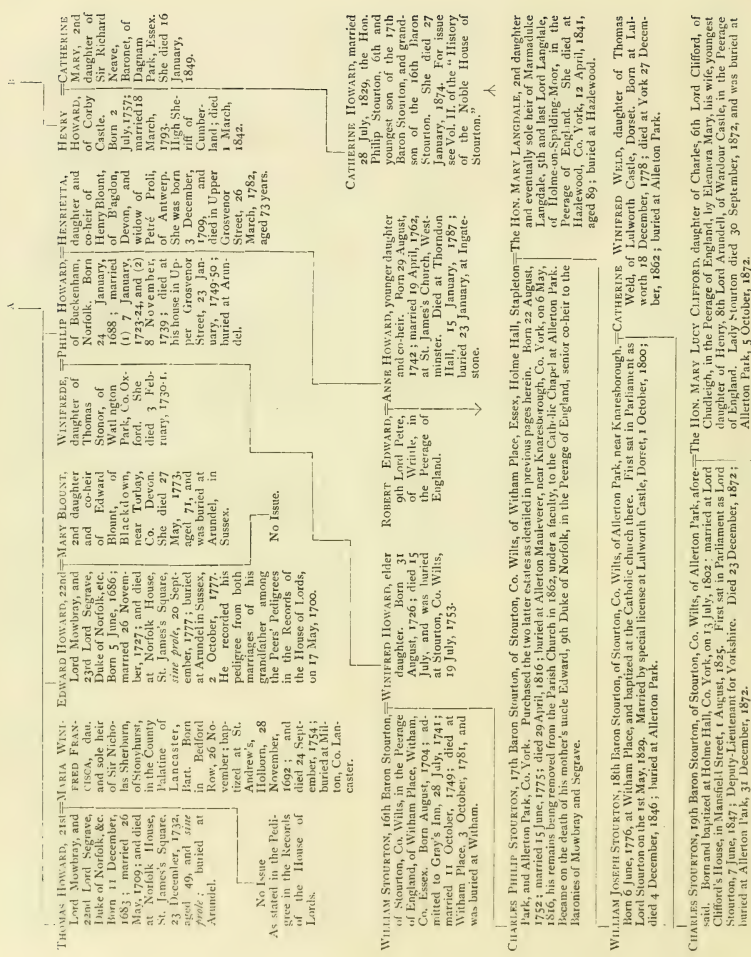
WILLIAM HOWARD, of Jark, daughter of Sir Christopher Musgrave, of Edenhall. Born 1720, and died 1740.

THOMAS HOWARD, of Barbara, sister of Sir Christopher Musgrave, of Edenhall. Born 1720, and died 1740.

PHILIP HOWARD, daughter of Sir Christopher Musgrave, of Edenhall. Born 1720, and died 1740.

As stated in the Pedigree in the Records of the House of Lords.

No Issue



ALFRED JOSEPH STOURTON, 26th Baron Stourton, of Stourton, Co. Wilts, of Allerton Park, aforesaid. Born and baptized, 28 February, 1829; married at Skryne, Co. Meath, Ireland, 13 September, 1865. Sat first in Parliament as Lord Stourton, 15 July, 1873. Her Majesty Queen Victoria determined the elegance of the Baronies of Mowbray and Segrave in his favour, and he was summoned to Parliament by Writ, 17 January, 1878, as Lord Mowbray. He died 18 April, 1893, being succeeded by his eldest son, CHARLES JACOBUS JOSEPH STOURTON, 24th Lord Mowbray, 25th Lord Segrave, and 21st Baron and Lord Stourton, of Stourton, Co. Wilts, the present Peer.



As the senior co-heir to the Baronies of Mowbray and Segrave [which had been in abeyance since the death, on the 20th of September, 1777, of Edward (Howard), 9th Duke of Norfolk, between the heirs of Winifred (Howard), Lady Stourton, and Anne (Howard), Lady Petre], Alfred Joseph, 20th Lord Stourton, petitioned the Crown, praying that the abeyance of those two Baronies might be terminated in his favour as senior co-heir. Her Majesty referred the petition in the usual manner to the House of Lords, and Lord Stourton was therefore called upon to establish his descent and co-heirship before the Committee of Privileges.

The case first came on for hearing before the Committee on the 30th of May, 1876, and was further heard on the 14th of July in the same year, on the 23rd of March, 1877, the 12th of June, and the 24th and 26th of July following, the Counsel for Lord Stourton, the petitioner, being Mr. Fleming, Q.C., and Mr. Reginald Cust.

After the Attorney-General had been heard on behalf of the Crown, it was, on the 27th of July, proposed to resolve :

“That the Barony of Mowbray is an ancient Barony in fee.

That it is proved by the Writ of Summons addressed to Roger de Mowbray in the 11th year of Edward I., and the other evidence adduced on behalf of the Petitioner, that the Barony of Mowbray was in the reign of King Edward I. vested in Roger de Mowbray.

That the Barony of Mowbray was vested by Descent in Thomas, Lord Mowbray and Segrave, the son of John, Lord Mowbray, and Elizabeth, Lady Segrave, who was whilst under age created Earl of Nottingham in 1383, and who was subsequently created Duke of Norfolk.

That on the death of Anne, Lady Mowbray and Segrave, Duchess of York and Norfolk, in 1481, the Baronies of Mowbray and Segrave fell into abeyance between John, Lord Howard, and William, Viscount Berkeley, as the grandsons and the then co-heirs of Thomas, the first Duke of Norfolk.

That the abeyance of the said Baronies was subsequently and previously to the reign of Queen Elizabeth determined in favour of the Howard family, and the said Baronies were forfeited by the attainder of Thomas, Duke of Norfolk, in the year 1572.

That by Act of Parliament the said Baronies were restored to Thomas, Earl of Arundel, the grandson of Thomas, Duke of Norfolk, in the year 1604, and his eldest son was in his father's lifetime summoned into the Barony of Mowbray.

That the Baronies of Mowbray and Segrave again fell into abeyance in the year 1777, and are now in abeyance between the Petitioner and William Bernard, Lord Petre.

That the Barony of Mowbray is at Her Majesty's disposal.”



On the question being put,

It was resolved in the affirmative.

And it was ordered that these Resolutions be reported to the House.

A somewhat similar resolution was reported concerning the Barony of Segrave.

The warrant for a Writ of Summons, addressed to Lord Stourton in the Barony of Mowbray, to be issued, was dated the 3rd of January, 1878, under the signature of "Cairns," Lord High Chancellor of England, directed to the Clerk of the Crown, of which the following is a copy :

" Victoria R.

Whereas Our right trusty and wellbeloved Alfred Joseph Lord Stourton, of Stourton, in the County of Wilts, hath by his Petition humbly represented unto Us that the Petitioner's Ancestors, the Lords Mowbray were Lords of Parliament from a very early period, and from the earliest time to which the records of Parliament can be traced.\*

That with the exception of the Writs of Summons issued by Symon de Montford, Earl of Leicester, in the name of the King, but whilst the King was in fact kept as the Earl's Prisoner in the 49th of King Henry the Third no writs of Summons are of record until the Reign of Edward the First, and the Records of the Writs of Summons are irregular and incomplete until the 21st year of that Reign.†

That the Petitioner's Ancestor, Roger, Lord Mowbray, was summoned to Parliament from the 21st year of the Reign of Edward the First to the period of his decease, and was also summoned to a Parliament held in the 11th year of the Reign of Edward the First.

That John Mowbray, Lord Mowbray, his son and successor, was under age at the time of his father's death, and was summoned to and sat in Parliament in the Reign of King Edward the Second, and died in the year 1327, leaving issue, John Mowbray, his Son and Heir, who was summoned to Parliament as Lord Mowbray, by King Edward the Third, and died in the year 1361.

That John, Lord Mowbray, the Son and Heir of the last named John, Lord Mowbray, was summoned to Parliament from the 36th to the 39th year of the Reign of King Edward the Third, and died in the year 1369.

That John, Lord Mowbray, the Son and Heir of the last named John, Lord Mowbray, was, whilst under age, created Earl of Nottingham by King Richard the

\* The Parliaments of Henry III. have before been commented on.

† Lord Stourton's case proved in many instances the state of the early records.

Second, at his Coronation on the 16th July, 1377, and died without issue in the year 1383, when his title of Earl of Nottingham became extinct.

That Thomas, Lord Mowbray, the Brother and Heir of John, Earl of Nottingham, was created Earl of Nottingham on the 12th February, 1383, and Duke of Norfolk on the 29th September, 1397.

That the said Thomas, Duke of Norfolk, had issue two Sons, Thomas, Lord Mowbray and John Mowbray, and two Daughters, Margaret, the wife of Sir Robert Howard, Knight, the Petitioner's Ancestor, and Isabel, who married James, Lord of Berkeley, and was the ancestor of the Lords and Earls of Berkeley, and the said Thomas, Duke of Norfolk, was banished the Realm in the year 1397, and died at Venice in the year 1399.

That Thomas, the elder son of the said Thomas, Duke of Norfolk, bore the title of Earl of Nottingham, and Lord Mowbray, but under misapprehension of his rights, did not assume that of Duke of Norfolk, and died without issue in the year 1405.

That John, Lord Mowbray, and Earl of Nottingham, the second Son of Thomas, first Duke of Norfolk, was declared by Parliament in the year 1424 entitled to the dignity of Duke of Norfolk under the Grant made to his Father, and he died in the year 1432.

That John Mowbray, Duke of Norfolk, Earl of Nottingham, and Lord Mowbray, the only son of the last named John, Duke of Norfolk, died in the year 1461, leaving an only son, John, Duke of Norfolk, who died in the year 1475, leaving an only daughter and heir, Anne, Lady Mowbray, who was an infant of tender years at her father's death, and was contracted in marriage to Richard, Duke of York, the second Son of King Edward the Fourth, but died in childhood.

That on the death of the said Anne, Lady Mowbray, the Barony of Mowbray\* fell into abeyance between Sir John Howard, created Lord Howard in the year 1470, and Duke of Norfolk in the year 1483, as the son and heir of Lady Margaret Mowbray, the elder daughter of Thomas Mowbray, first Duke of Norfolk; and William, Marquess and Baron of Berkeley, the eldest Son of Isabel, the younger Daughter of the said Thomas Mowbray, first Duke of Norfolk.

That the Barony of Mowbray continued in abeyance between the heirs of the said John Howard, Duke of Norfolk, and William, Marquess of Berkeley, until the year 1640,† when King Charles the First was pleased to determine the abeyance by summoning Henry Frederick Howard, the Son and Heir apparent of Thomas Howard, Earl of Arundel, Norfolk, and Surrey to Parliament as Lord Mowbray.

\* The Barony of Segrave likewise fell into abeyance, but this warrant concerned only the Barony of Mowbray, hence the omission here of any mention of the Barony of Segrave.

† It will be noticed that Lord Stourton's original Petition as herein recited differs materially from the resolution as recited presently herein.

That Henry Frederick, Lord Mowbray, took his seat in Parliament as Lord Mowbray in the year 1640, and was placed at the head of the Barons' bench, and he succeeded his Father as Earl of Arundel, Norfolk, and Surrey in 1646, and died in 1652.

That Henry Frederick, Lord Mowbray, Earl of Arundel, Norfolk and Surrey, had five sons, of whom Bernard, the younger, was ancestor of the present Duke of Norfolk.

That Thomas, the eldest Son, was restored to the Dignity of Duke of Norfolk by Act of Parliament in 1660, and died without issue in 1677.

That Henry, the second son of Henry Frederick, Lord Mowbray, and Earl of Arundel, Norfolk, and Surrey, succeeded his Brother in all his Dignities and had two Sons, Henry, his successor, and Thomas Howard, who died in the lifetime of his elder Brother, leaving issue two elder Sons, Thomas Howard and Edward Howard, successively Dukes of Norfolk, and Philip Howard, his third Son, the Petitioner's Ancestor.

That Henry, Duke of Norfolk, died in the year 1684.

That Henry Howard, the eldest Son and Heir apparent of the said Henry, Duke of Norfolk, was summoned to Parliament in the year 1678, and was placed in his Father's Barony of Mowbray, and at the head of the Barons' bench, by a decision of the House of Lords, and he succeeded his Father in the year 1684, and died without issue.

That Henry, Duke of Norfolk and Lord Mowbray, died without issue in the year 1701, and was succeeded by his Nephew, Thomas Howard, the eldest Son of Thomas Howard, the second Son of the before named Henry, Duke of Norfolk, and Thomas, Duke of Norfolk, died without issue in the year 1732.

That Edward Howard, the Brother and heir of the last named Thomas, Duke of Norfolk, succeeded to the dignities of Duke of Norfolk and Lord Mowbray, and the other honors of his Family, in the year 1732, and died without issue in the year 1777.

That Philip Howard, the third Son of the before named Thomas Howard, and the younger Brother of Edward, Duke of Norfolk, died in the year 1750, having been twice married, and leaving issue by his first marriage an only Daughter,\* Winifred, the wife of William, Lord Stourton, and the ancestor of the Petitioner; and by his second marriage an only Daughter,\* Anne, the wife of Robert Edward, Lord Petre, and the ancestor of William Bernard, the present Lord Petre.†

That on the death of Edward, Duke of Norfolk, the Dignity of Lord Mowbray

\* This is hardly correct, for, as will be seen, there were two sons, one by each marriage, and in each case *one surviving child* would have been more correct.

† On the hearing of Lord Stourton's Petition, Lord Petre gave evidence that he was related to, and acquainted with, William, Lord Stourton, grandfather of the Petitioner; that he was well acquainted with Charles, Lord Stourton, his eldest son; and that the Petitioner, Lord Stourton, was the eldest surviving son of Charles, Lord Stourton, the two elder sons having died in childhood, and that he had heard for many years that the Baronies of Mowbray and Segrave were in abeyance between Lord Stourton and himself as co-heirs.

fell into abeyance between Charles Philip, Lord Stourton, the Son and heir of the said Winifred, Lady Stourton, and the said Anne, Lady Petre, and the said Dignity of Lord Mowbray is now in abeyance between the Petitioner as the great-grandson and heir of the said Charles Philip, Lord Stourton, and William Bernard, Lord Petre, as the great-grandson and heir of the said Anne, Lady Petre, and is at Our disposal.

That the Petitioner's late father, Charles, the eighteenth\* Lord Stourton, in the year 1860 presented an humble Petition to Us praying Us to be graciously pleased to determine the abeyance of the Barony of Mowbray in his favor, which Petition was referred to the consideration of Our then Attorney General, but owing to his infirm state of health the Petitioner's father did not proceed further upon the said Petition.

That the Petitioner's father died on the 23rd of December, 1872, leaving the Petitioner his eldest† son and heir, and the Petitioner has taken his seat in Parliament as Lord Stourton.

The Petitioner therefore most humbly prayed that We would be graciously pleased to determine the abeyance of the Dignity of Lord Mowbray in his favor, and to summon him to Our Parliament as Lord Mowbray.

And the said Petition having been referred by Us to Our Attorney General for his opinion, and subsequently upon his Report to the House of Peers, to examine the allegations as to what related to the Petitioner's title therein, and to inform us how the same should appear to Their Lordships. It was on the twenty-seventh day of July, one thousand eight hundred and seventy-seven, resolved and adjudged by the Lords Spiritual and Temporal in Parliament assembled. That the Barony of Mowbray is an Ancient Barony in fee. That it is proved by the Writ of Summons addressed to Roger de Mowbray in the eleventh year of Edward the First, and the other evidence adduced on behalf of the Petitioner that the Barony of Mowbray was in the reign of King Edward the First vested in Roger de Mowbray. That the Barony of Mowbray was vested by descent in Thomas, Lord Mowbray and Segrave, the son of John, Lord Mowbray and Elizabeth, Lady Segrave, who was, whilst under age, created Earl of Nottingham in 1383, and who was subsequently created Duke of Norfolk. That on the death of Anne, Lady Mowbray and Segrave, Duchess of York and Norfolk, in 1481, the Baronies of Mowbray and Segrave fell into abeyance between John, Lord Howard, and William, Viscount Berkeley, as the grandsons and the then coheirs of Thomas, the first Duke of Norfolk. That the abeyance of the said Baronies was subsequently and previously to the Reign of Queen Elizabeth‡

\* In reality the nineteenth Lord Stourton, as has been since established.

† Should more correctly be *eldest surviving son*. See evidence of Lord Petre relating to the deaths of two elder sons in childhood. The Lady Arundell of Wardour gave evidence on the hearing of Lord Stourton's Petition, and stated that she was the widow of the then late Lord Arundell; that she was a daughter of the late William, Lord Stourton, Petitioner's grandfather; that her brother Charles, then late Lord Stourton, had two sons older than the Petitioner, who both died in childhood.

‡ Note that the date in the original Petition is stated to be 1640.

determined in favor of the Howard Family and the said Baronies were forfeited by the attainder of Thomas, Duke of Norfolk, in the year 1572. That by Act of Parliament the said Baronies were restored to Thomas, Earl of Arundel, the grandson of Thomas, Duke of Norfolk, in the year 1604, and his eldest son was, in his father's lifetime, summoned into the Barony of Mowbray. That the Baronies of Mowbray and Segrave again fell into abeyance in the year 1777, and are now in abeyance between the Petitioner and William Bernard, Lord Petre. And the said Resolution and Judgment of the Lords Spiritual and Temporal having been submitted to Our Royal consideration, We have approved thereof. And the said Barony being consequently at Our disposal, We are graciously pleased to gratify the Petitioner, and do by virtue of Our Prerogative grant to him a Writ of Summons to Parliament as Baron Mowbray.

Our will and pleasure therefore is that you do make or cause to be made forthwith one Writ of Summons under Our Great Seal to be directed to Our right trusty and well-beloved Alfred Joseph, Lord Stourton, of Stourton, in Our County of Wilts, by the name, style, and title of Alfred Joseph Stourton, de Mowbray, Chevalier, to be personally present with Us and the Prelates, Peers, and Barons of Our Realm in Our Parliament, to be holden at Westminster, the seventeenth day of January, now next ensuing, in as ample and honorable manner and form to all intents and purposes as any Baron of this Realm hath at any time heretofore been ennobled, or created, by Writ, and to have and enjoy the place and precedence due and belonging to the said ancient Barony.

And for so doing this shall be your warrant.

Given at Our Court at Saint James's the twenty-ninth day of December, 1877, in the forty-first year of Our reign.

RIC : ASSHETON CROSS.

To our right trusty and well beloved Councillor, Hugh MacCalmont, Baron Cairns, Chancellor of that part of Our United Kingdom of Great Britain and Ireland, called Great Britain.	} By Her Majesty's Command.
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Pursuant to 14 and 15 V., C. 99, S. 14, I hereby certify this to be a true copy of the Queen's Warrant directing a Writ of Summons to issue to Alfred Joseph, Lord Stourton, as Baron Mowbray.

Crown Office,	} J. ZWINGER, Chief Clerk."
Jany. 24th, 1878.	

Seal of the Crown Office Chancery affixed.



The Writ of Summons to Parliament addressed "To Our right trusty and well beloved Alfred Joseph Stourton de Mowbray Chevalier," of which a facsimile will be found at page 712, is as follows :

"~~VICTORIA~~ by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith ~~TO~~ Our right trusty and welbeloved ALFRED JOSEPH STOURTON DE MOWBRAY Chevalier Greeting ~~WHEREAS~~ by reason of certain arduous and urgent affairs concerning Us, the state and defence of Our said United Kingdom and the Church WE did lately with the advice and consent of our Council ordain our present Parliament to be holden at our City of Westminster on the fifth day of March in the thirty-seventh year of our reign which Parliament hath been from that time by several adjournments and prorogations adjourned prorogued and continued to and until the seventeenth day of January instant at our City aforesaid to be then there holden WE strictly enjoining command you under the faith and allegiance by which you are bound to Us that considering the difficulty of the said affairs and dangers impending all excuses being laid aside you be personally present at the said day and place with Us and with the Prelates Nobles and Peers of our said Kingdom to treat of the aforesaid affairs and to give your advice and this you may in nowise omit as you tender Us and our honor and the safety and defence of our said Kingdom and Church and the despatch of the said affairs. WITNESS ourself at Westminster the third day of January in the forty-first year of our reign

C. ROMILLY

"To Our right trusty and wellbeloved Alfred Joseph Stourton de Mowbray, Chevalier A Writ of Summons to Parliament C. ROMILLY"

On the 17th of January following, the House being informed "That the Lord Mowbray was attending with his Writ of Summons to Parliament, the Lord Chancellor explained to the House his Lordship's descent." Lord Stourton thereupon took the oath and his seat as Lord Mowbray on the 17th of January, 1878. A Writ of Summons being never addressed to a Peer by more than one of his Peerage titles, the abeyance of the Barony of Segrave was consequently determined by Letters Patent under the Great Seal, bearing date the 18th of January, 1878. These will be found quoted at length later. The Barony of Segrave was thus again united and annexed to the Barony of Mowbray.

Alfred Joseph, Lord Stourton, therefore became 23rd Lord Mowbray and 24th Lord Segrave.

XXIII. ALFRED JOSEPH, 23rd Lord Mowbray, 24th Lord Segrave, and 20th Lord Stourton (see page 708), was born the 28th of February, 1829. He married (see page 708) Mary Margaret, daughter and sole heir of Matthew Elias Corbally, Esquire, M.P., by whom he had issue (see page 718). He died the 18th of April, 1893, and was succeeded by his eldest son, Charles Botolph Joseph, the present Peer.

XXIV. CHARLES BOTOLPH JOSEPH, 24th Lord Mowbray, 25th Lord Segrave, and 21st Lord Stourton, the present Peer (see page 720), was born the 23rd of May, 1867, and succeeded his father as above stated, taking his seat in the House of Lords as Lord Mowbray the 19th of June, 1893. He married (see page 721) Mary, only child and sole heir of Thomas Angus Constable, Esquire, by whom he has issue (see page 722).



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THE BARONY OF SEGRAVE.

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NICHOLAS DE SEGRAVE

LORD SEGRAVE, IN THE PEERAGE OF ENGLAND,  
SUMMONED TO PARLIAMENT BY WRIT,  
THE 28TH OF JUNE, 1283.





*The Arms of Segrave, namely, sable, a lion rampant argent,  
ducally crowned or.*

GILBERT DE SEGRAVE, whose father is stated to have been named Hereward, is described by Courthope in his "Historic Peerage" as the first Baron Segrave "by tenure." He was of Segrave, in the county of Leicester, in the reign of Henry II. The name Segrave, undoubtedly originally a territorial description, therefore owes its origin to Segrave in Leicestershire, where Gilbert "de Segrave" chiefly resided. From the 4th to the 11th of Richard I. he was Sheriff of the counties of Warwick and Leicester, and in the 10th of Richard I. he gave to the King four hundred marks towards the maintenance of his wars. He left a son and heir, Stephen.

STEPHEN DE SEGRAVE, described by Courthope as Baron Segrave "by tenure," appears to have been of some considerable note, having been appointed Constable of the Tower of London in the 15th of King John, to whose cause he was a firm adherent. To this may be traced the fact that in the 17th year of the same reign he was, for his services to King John during his war with the Barons, granted the vast landed possessions of Stephen de Gant in the three counties of Lincoln, Leicester, and Warwick. When Henry III. ascended the throne of England he increased the gifts of his predecessor, and granted to Stephen de Segrave the custody of all those lands which Simon de Montfort had held at his death, holden of the Honour of Leicester. In the 2nd Henry III. he was appointed a King's Justice in his Court, and two years afterwards, in the 4th of Henry III., he was appointed Governor of Sauvey Castle, Co. Leicester. He was Sheriff of the

counties of Essex and Hertford in the 5th and 7th years of Henry III., and Governor of Hertford Castle in the following year. He was appointed Justice Itinerant for the counties of Nottingham and Derby in the 10th of Henry III., Sheriff for the counties of Buckingham and Bedford two years later, and Sheriff for the counties of Warwick, Leicester, and Northampton in the 13th of Henry III. He was, in the 16th of Henry III., granted the custody of the castle and county of Northampton, and the custody of the counties of Bedford, Buckingham, Warwick, and Leicester for life. He was Chief Justice of the Court of Common Pleas from the 2nd to the 16th years of Henry III. In the 10th of Henry III. he was granted the great office of Justiciar of England. He was in addition Governor of several castles formerly held by Hubert de Burgh. He purchased large territorial possessions then lately held by Stephen de Beauchamp; Ranulph, Earl of Chester and Lincoln; Robert Bigod, Earl of Norfolk; Robert de Stuteville, and others; thereby acquiring considerable lands in various counties, which he added to his already large possessions. In the 17th of Henry III. his Manor House of Segrave was set fire to and burnt. He rose to the position of one of the chief magnates of the kingdom, throughout which his power was felt. He obtained great credit through his munificence to the monasteries, being a great benefactor to the Monks of Stoneley and Combe, as also to the Canons of Leicester, in which latter religious house he became a Canon Regular. He died there on the 5th of November, 1241. He had married, firstly, Robese, daughter of Thomas le Despenser, and sister of Hugh le Despenser; and, secondly, Ida, sister of Henry de Hastings. On the hearing of Lord Stourton's Petition the Patent Roll for the 4th of Henry III. was produced in evidence to prove an agreement made "die Mart' p'x' an' fest' Assu'pcionis B'e Marie," 4th of Henry III. (1220), between the King and the Justiciar of Ireland, in the presence, among other Lords, of "Steph'o de Segave." Likewise the Liberate Roll of the 10th Henry III. was produced to prove that "Steph'm de Segave" was one of the persons to whom a direction for the payment of messengers was sent on the 5th of March or May (for only the M is decipherable) then instant. Likewise also the Patent Roll for the 17th of Henry III. was produced to show that "S. de Segave just' n'ri Angl'," was one of the persons mentioned who acted on behalf of Henry III. in a mandate of 7th December then instant, respecting an agreement made by Llewellyn, Prince of Aberfraw and Lord of Snowdon, with Stephen de Segrave, and other persons named on behalf of Henry III. The Close Roll of 18th Henry III. was also produced to prove that a Summons was addressed on the 14th June then instant to "S de Segave," commanding the said Stephen de Segrave to appear before the King to answer certain matters done by him whilst he was Justiciar of England.

Of this Stephen de Segrave Matthew Paris observes that he "tho' come of no high parentage was, in his youth, of a Clerk made a Knight, and in his later days, thro' his prudence and valour, so exalted, that he had the reputation of one of the chief men of the Realm, managing the greatest affairs as he pleased; in doing whereof he more minded his own profit than the common good, yet for some good deeds and for making a discreet testament he died with much honour."

By Robese le Despenser he had two sons, John, the elder, and Gilbert, who was his heir and successor. John de Segrave, the elder son, predeceased his father, having married Emme de Caux, who survived him, but having had no children by her, his father, Stephen de Segrave, Justiciar of England, was succeeded by his second but eldest surviving son, Gilbert.

GILBERT DE SEGRAVE is described by Courthope as Baron Segrave "by tenure," and with this Gilbert the pedigree in Lord Stourton's Segrave Peerage Case is commenced. He obtained considerable reputation as a statesman and as a military commander during the reign of Henry III. In the 15th of Henry III. he had a grant of the town of Kegworth from Simon de Montfort, Earl of Leicester. In the 17th of Henry III. he had a grant from the Crown of the Manor of Newcastle, &c., and in the same year he was appointed Governor of Bolsover Castle. The earliest evidence which was produced at the hearing of Lord Stourton's Petition concerning this Gilbert de Segrave was the Close Roll of the 25th of Henry III., by which it was proved that, on the 26th of October then instant "Gilb'to de Sedgave filio 't h'edi Steph'i de Sedgave" had grant of seizin of all lands of which Stephen, his father, had died seized. He was appointed Justice of all the forests south of the Trent, and Governor of Kenilworth Castle in the 26th of Henry III., besides receiving many other appointments and offices. Like his father, he was a benefactor to the monks of Stoneley, who celebrated Divine Service at that place in perpetuity for the health of the souls of Stephen de Segrave, his father, Robese de Segrave, his mother, and Annibal, or Amabil, his wife, who was daughter and co-heir of Sir Robert de Chaucombe, and who ratified the grants of her ancestors to the canons of Chaucombe. After the death of her husband, Gilbert de Segrave, she married Sir Roger de Somery, Baron of Dudley. Gilbert de Segrave was imprisoned at Ponte in Poitou, dying shortly afterwards. The Inquisition taken after his death, showing the extent of his lands in Co. Leicester, was produced in evidence at the hearing of Lord Stourton's Petition, this proving that "Nich's de Segave fil' p'd'c'i Gileb'ti p'pinquior h'es ip'ius est Et est de etate xvij ann'." Gilbert de Segrave was therefore succeeded by his son the said Nicholas.

I. NICHOLAS DE SEGRAVE, Baron Segrave, and a Lord of Parliament by "Writ of Summons," in the Peerage of England, was the son and heir of Gilbert de Segrave by Amabil, daughter and co-heir of Sir Robert de Chaucombe. "Courthope" states that his father died 1254. The "Complete Peerage" says he succeeded his father about 1260. The Inquisition previously referred to was taken in the 39th year of King Henry III., when Nicholas was 17 years of age. He is the first admitted and proved Lord of Parliament of the House of Segrave.

At the hearing of Lord Stourton's Petition, the Close Roll for the 42nd of Henry III. was produced in evidence to prove that on the 18th of April in that year "Nich's de Sedgrave" had seizin of all the lands and tenements of his late father, and did his homage to the King. The Close Roll for the 47th Henry III., which was also produced, proved that a summons to "Nich's de Seg<sup>a</sup>ve," dated the 25th of May then instant was sent, requiring him to attend the King and receive the dignity of Knighthood at Worcester, on the Feast of "S'e'i Pet'i ad Vinc'la."

The Patent Roll for 46 Henry III. was also produced to prove an agreement made between the King and "Nicole de Segrave," and other Barons of the Realm, on the 7th of December, 1261, as well as the Close Roll for the same year, to prove a direction from the King that the above agreement should be sealed. This latter is dated the 15th of December, and one of the signatories is "Nich'o de Seg<sup>a</sup>ve."

The "Liber Munimentorum of the Exchequer" was also produced. This contained a letter dated at London, "die S'e'e Lucie Virginis (the 13th of December) anno D'ni m<sup>o</sup>cc<sup>o</sup> sexagesimo t'cio," from "Nicolaus de Segrave," and other Barons of England, to the King of France, in relation to the agreement made between them and the King of England. As "Nich'o de Seg<sup>a</sup>ve," he had a Writ of Summons on the 14th December, 49 Henry III., to attend and sit with the Barons in Parliament, as proved by the Close Roll for that year, produced on the hearing of Lord Stourton's Petition. This was followed by the production of the Welsh Roll for 11 Edward I., showing that a Writ of Summons was addressed on the 28th of June, then instant, to "Nich'o de Seg<sup>a</sup>ve" to meet the King at Shrewsbury.

The validity of the Writs of the 49th of Henry III., which were issued in reality

by Simon de Montfort, Earl of Leicester, who then held the King a prisoner, has been already discussed when dealing with the precedence of the Barony of Mowbray. In the cases of the Baronies of De Ros and Le Despenser, these writs had been previously allowed, and it was not until the Mowbray and Segrave Peerage Case that they were rejected both as creative Writs and as evidence of then existing Peerages. And it is an utterly illogical result that the Baronies of Le Despenser and De Ros should be allowed this precedence of 1264, whilst the Barony of Segrave, which is identically circumstanced, should be postponed to the Writ of 1283 (11th Edward I.). The doings in the Parliament of 49th Henry III. were subsequently avoided by the Dictum of Kenilworth.

That this result, however, is due to the line adopted by Lord Stourton's Counsel there can be but little doubt. It is, and has always been, pretty generally conceded that the Barony of Mowbray is the premier Barony of England, but the fact unfortunately remains that Roger de Mowbray, not having sided with the Earl of Leicester against the King, was not summoned to the Parliament in the 49th of Henry III. Nicholas de Segrave was more fortunate. Lord Stourton's Counsel, in endeavouring to maintain the seniority of the Barony of Mowbray over that of Segrave, and relying upon evidence of a date prior to this the first-known Writ, advanced such proofs and arguments that the Committee of Privileges entirely rejected the Writs of 49th Henry III., and relegated both the Baronies to the Writs of 11th of Edward I. At the same time they refused to admit the possibility of establishing a *Peerage* at a date anterior to the issue of the earliest writ. Though this will probably remain the accepted precedent for all future decisions, it does not alter the fact that the earlier precedence of 49th of Henry III. had been previously allowed to the Baronies of Le Despenser and De Ros. So that one cannot but consider the action of Lord Stourton's Counsel to have been an error in tactics. The Attorney-General, referring to this point, remarked, "But then there remains behind the objection which my learned friend Mr. Fleming puts forward as a valid one, apparently in this respect against the interests of his noble client, namely the objection that the attending of Parliament in the 49th Henry III. could not confer a Peerage, because all the Acts done in that Parliament were avoided by the Award or Dictum of Kenilworth." Consequently the Barony of Segrave is only admitted as proved by the Writ of 11th of Edward I., from which it must therefore be reckoned.

In 18th of Edward I. the Parliament Roll shows that "Nich's de Segrave" was one of those Peers who concurred in the grant of a subsidy to the King; while the Close Roll of the 23rd year of that reign contains Writs of Summons of the 24th of June then instant, addressed to "Nich'o de Segave seniori," and his son, "Nich'o de Segave juniore," to the first Parliament for the 1st August following.



Nicholas, Lord Segrave, in the 48th of Henry III. fortified the city of Northampton against the King, for which Lord Segrave's lands were taken. He then fled to London, where he became General of the rebels, taking Henry III. prisoner at Lewes, at which battle he headed a charge against the Royal forces. As a natural result he was, as has been seen, shortly afterwards summoned among the Barons of the Realm to Simon de Montfort's Parliament. He himself was wounded and taken prisoner at the Battle of Evesham, but he was eventually pardoned, and the lands he had forfeited were restored. He fought on behalf of the King against the Welsh, and also in Ireland and Scotland. He died in the 23rd of Edward I., 1295. He married Maud de Lucy, by whom he had two sons :

- i. JOHN, who succeeded his father.
- ii. NICHOLAS DE SEGRAVE, Lord Segrave, who was summoned to Parliament among the Barons of the Realm, on the 24th of June, the 1st of October, and the 2nd of November, in the 23rd of Edward I. (1295), in his father's lifetime, and after his father's death, on the 26th of August, 24th of Edward I. (1296), the 26th of January, in the 25th Edward I. (1297), and on the 25th of May, 14th of Edward II., 1321. His writs were directed to him as "Nich'o de Segave juniore," during his father's lifetime. This junior Barony of Segrave is usually known as "of Barton Segrave," but no such description is added to any of his writs. He himself, however, was of Barton Segrave. His name as "Nich's de Segrave, D'nus de Stowe," is affixed to the well-known letter of the Barons to the Pope in 1301. He fought in the Scottish Wars, and was present at the Battle of Falkirk. Being accused of high treason in 1305 by Sir John Cromwell, he crossed the sea without permission in order to fight him in a duel which had been interdicted in England. For that offence he was condemned to death, but he was pardoned, and was shortly afterwards restored. He was present at the Coronation of Edward II., the 23rd of February, 1307-8, being then made Marshal of England. He died without male issue in 1322 (15th Edward II.), leaving an only child and heir :

Maud, *suo jure* Baroness Segrave. At her father's death in 1322 she was then aged 25, and was the wife of Edmund de Bohun, of Church Brampton, Co. Northampton. She was living in 1330, but subsequently died without issue, when the junior Barony of Segrave became extinct.

Nicholas de Segrave (senior), first Lord Segrave, died between June and November (1295), 23rd Edward I.

On the hearing of Lord Stourton's Petition, the Inquisition of Nicholas, the elder Lord Segrave, after his death, was produced in evidence, and in this he was styled "Nich'i de Seg<sup>a</sup>ve senioris." The Inquisition was taken at "Alkmu'debiry," Co. Huntingdon, "die Do<sup>a</sup> p'x<sup>a</sup> p' festu' S'c'i Andree ap'li anno regn' Reg' Edward' Vicesi'o quarto." It was found that "Joh's fil' p'd'c'i Nich'i de Seg<sup>a</sup>ve dufuncti est p'xim' her' ejusd' Nich'i et est de etate xxxix. annor." He was therefore succeeded by his son and heir, John de Segrave.

II. JOHN DE SEGRAVE, second LORD SEGRAVE, "by Writ of Summons" in the Peerage of England, was the eldest son and heir of Nicholas, first Lord Segrave, by his wife, Maud de Lucy. He succeeded his father in 1295, being then aged 39 years.

The fine Roll for the 24th of Edward I. shows that on the 10th of December in that year, "Joh'is de Seg<sup>a</sup>ve de com' Leyc' fil' 't h'edis Nich'i de Seg<sup>a</sup>ve defuncti" did homage for all the lands and tenements which Nicholas his father had held of the King in chief and then had livery of the same. He, as "Joh'i de Seg<sup>a</sup>ve," and his brother as "Nich'o de Seg<sup>a</sup>ve juniore," had Writs of Summons on the 26th of August, 24th of Edward I., to Parliament for that year; and others on the 26th of January following, as "Joh'es de Seg<sup>a</sup>ve" and "Nich'us de Segrave."

In the 1st of Edward II. they received Writs of Summons respectively on the 18th of January (to the Coronation) as "Nich'o de Seg<sup>a</sup>ve" and "Joh'i de Seg<sup>a</sup>ve"; and on the 26th of August (to the Parliament), as "Joh'i de Segrave" and "Nich'o de Segrave." On the 19th of January Writs were addressed to "Joh'i de Seg<sup>a</sup>ve" and "Nich'o de Seg<sup>a</sup>ve"; but on the 10th of March only a Writ to "Joh'i de Seg<sup>a</sup>ve" was issued.

From the Close Roll for the 12th of Edward II. it is proved that Writs of Summons to Parliament were addressed on the 25th August that year to "Joh'i de Seg<sup>a</sup>ve" and "Nich'o de Seg<sup>a</sup>ve," to sit among the Barons; while the Parliament Roll for the same year proves that they actually sat in that Parliament, among the Barons who then transacted business, being described respectively as "Mons' Johan de Seg<sup>a</sup>ve" and "Mons' Nichol' de Segrave." On the 15th of May, in the 14th year of Edward II., similar Writs were addressed to "Nic'o de Seg<sup>a</sup>ve" and "Joh'i de Seg<sup>a</sup>ve." This was the last year in which Nicholas de Segrave, brother of John de Segrave, had a Writ of Summons to Parliament.

John de Segrave, however, subsequently received a Writ addressed to him on the 6th of May, 18th of Edward II., 1325, which appears to have been his last. Of him it is recorded that he was engaged in the Scottish and Welsh Wars. In the 13th of Edward I. he attended the King in his expedition into Wales, and

likewise in his expedition beyond the seas in the 25th year of the same reign. He also attended the King and Prince Edward in the wars with Scotland. He was made Warden and Justice of the Forests beyond Trent northwards; Constable and Governor of Nottingham Castle, Constable of the English Army in Scotland, and Constable of Berwick; and was appointed Warden of all Scotland, &c.

By a charter, without date, produced in evidence on Lord Stourton's Petition, in which he styled himself "Joh'nes de Seg<sup>a</sup>ve d'n's de Segrave," he confirmed a prior grant of lands made by his grandmother, "Amabilia de Seg<sup>a</sup>ve, d'na de Chaucombe," then a widow, late the wife of Stephen de Segrave, to the Priory and Convent of Chaucombe.

John, second Lord Segrave, married in the 54th year of King Henry III. (1269-70) Christian, daughter of Sir Hugh de Plessetis (or de Plescy), by whom he had issue. He died in Gascony in 1325, during the time of a great mortality there. The exact date of his death is unfortunately not known, inasmuch as the Inquisitions taken at that period do not specify the date of decease. The Writs for Inquisitions to be held upon the death of Lord Segrave are dated the 4th of October, 19th of Edward II., and were issued to the Escheators for the Crown in the counties of Wilts, Hants, Oxon, Berks, Beds, and Bucks, Lincoln, Northants, Rutland, and Salop, which fact, by the way, affords evidence of the extensive possessions of the Lords Segrave. The Inquisition for the County of Buckingham was taken on the 30th day of November following. In this, as will presently be seen, the heir is found to be Stephen, son of the aforesaid John, and of full age. The Inquisition in Co. Salop was taken on the 2nd of November. Here again Stephen is found to be son and heir, and aged 40 years and upwards. The Inquisition in Co. Oxford was taken the 30th of November, and the finding was the same as in the Inquisition in Co. Buckingham.

On the 12th of December, 19th of Edward I., writs were issued to the Escheators for Cos. Surrey, Sussex, Kent, Middlesex, and the City of London, requiring Inquisitions to be taken on the death of *Stephen* de Segrave, in all of which his son John, then aged 10 years (or 9 years and upwards), is found to be his son and next heir. But in all Inquisitions on the death of John, Lord Segrave, which happened to be taken on or after December the 6th, the juries found that John de Segrave, son of Stephen de Segrave, "kinsman" of John deceased, is son and next heir, and aged 9 years and upwards.

Now, John, Lord Segrave, died in Gascony. The news in those days would take some little time to travel thence, and his death may reasonably be presumed to

have taken place at least a month, if not more, before the issue of the Writs for the Inquisitions on his death to be taken. The Writs for the Inquisitions upon the death of Stephen, were not issued until the 12th of December. All the Inquisitions taken before the end of November return Stephen as the heir. Therefore the presumption would be that John, Lord Segrave, died about September, and was succeeded by his son Stephen, and that the news of the death of the latter did not reach his tenants until about the 30th of November. The news of the death of John had arrived before this, so that in all probability he predeceased his son. In fact, there can be no doubt concerning the point, for the closest scrutiny of no less than thirteen different Inquisitions has failed to produce any fact contradictory to this supposition, or any conflicting date.

As will presently be seen, the fact of the actual succession of Stephen hangs upon these dates, but as there is evidence that he sat in Parliament as a Baron during the lifetime of his father he must *in any case* be numbered amongst the Lords Segrave, so we print in full hereunder three Inquisitions taken in November, which establish the point :

“ Inquisitions\* post mortem *Johannis de Segrave.*

*Writ* to the Escheator of Cos. Wilts, Hants, Oxon, Berks, Beds., and Bucks., dated 4 Oct. 19 Edw. II.

Buk’.

Inquisic’o f’c’a apud la Penne in Com’ Buk’ coram Ric’o le Wayte escaetore d’ni Regis in diu’ sis Comitatz xxx<sup>mo</sup> die Nouembr’ Anno regni Regis Edwardi filij regis Edwardi decimo nono iuxta tenorem br’is d’ni Regis huic inquisic’o’i consuti p’ sac’r’m Will’i le Kyng, Ric’i Dreu, Rad’i atte Oke, Joh’is le Blake, Nich’i Asketyl, Joh’is Byweste, Henrici Gosefeld, Will’i Johan, Joh’is Belynger, Math’i de Kyngeston’, Henrici atte Vlmette [?] & Will’i Pik’ Jur’ Qui dicunt sup’ sac’r’m suu’ q’d Joh’es de Segraue senior tenuit in d’nico suo vt de feodo die quo obiit maneriū de la Penne cū p’tinenc’ de Nich’o de Turuille in capite p’ s’uiciu’ quarte partis vni’ feodi militis & p’ s’uiciu’ vni’ paris Cyrotecar’ annuatim v’l vni’ denar’ ad f’m s’c’i Mich’is soluend’ p’ om’i s’uicio Et est ibidem vnu’ capitale mesuagiu’ cu’ vno Columbar’ que valent p’ annu’ xij . d. et non plus q’ situant’ infra parcum ibid’ . Et sunt ibidem iiij<sup>xx</sup>ij acre t’re arabil’ que valent p’ annu’ xiiij.s. x . d. preciu’ acre ij . d . et est ibidem vna dimidia acra prati que valet p’ annu’ x . d . et sunt ibidem Centu’ acre bosci forinsec’ quar’ pastura non extendit’ p’ annu’ quia est com’is om’ibz hom’ibz patrie set persona eiusdem valet p’ annu’ quando accidit, iiij . s . et subboscus parci ibidem valet p’ annu’ ij . s . et pastur’ eiusdem parci non extendit’ p’ annu’ q’ fere existentes in d’c’o parco depascunt

\* Chancery Inq. P. M., 19 Edw. II., No. 88.

eamd' pastur' et est ibidem de redditu ass' p' annu' Centu' solid' iiij. d. ob'. soluend' ad t'm'os subsc'ptos videl't ad f'm s'c'i Martini . vj. d. Ad f'm beati Thom' Apl'i iij. s. v. d. ob' Ad f'm Pur' b'e Marie xxx. s. v. d. ob'. q<sup>a</sup> Ad f'm Annunciac' b'e Marie xvij. d. ad f'm Pasch' vij. d. Ad f'm Pentecost' xxx. s. v. d. ob' q<sup>a</sup> Ad f'm Nat s'c'i Joh'is Bap'te ij. s. Ad f'm s'c'i Petri Aduincula xj. d. et ad f'm s'c'i Mich'is xxx. s. v. d. ob' Et pl'ita & p'quisita Cur' ibid' valent p' annu' xij. d. Dicunt eciam q'd Steph'us de Segraue fili' p'd'c'i Joh'is de Segraue senioris est p'pinquior heres eiusdem Joh'is, et plene etatis In cui' rei testimoniu' p'd'c'i Jurati huic inquisic'o'i sigilla sua apposuerunt. Dat' die loco & Anno sup<sup>a</sup>d'c'is.

S'm<sup>a</sup> h'i' extente, vj<sup>li</sup> iij. s. ob'."

Of the foregoing Inquisition the following is a translation :

#### Bucks.

Inquisition made at la Penne in the County of Bucks before Richard le Wayte, escheator of the Lord the King in divers counties, on the 30th day of November in the nineteenth year of the reign of King Edward, son of King Edward, in accordance with the tenor of a writ of the Lord the King sewn to this inquisition, by the oath of William le Kyng, Richard Drew, Ralph atte Oke, John le Blake, Nicholas Asketyl, John Byweste, Henry Gosefelde, William Johan, John Belynger, Matthew de Kyngestone, Henry atte Vlmette [?] & William Pike, Jurors, who say upon their oath that John de Segrave, the elder, held in his demesne as of fee on the day he died the manor of la Penne with its appurtenances from Nicholas de Turville in chief by the service of the fourth part of one knight's fee and by the service of a pair of spurs annually or one penny to be paid at Michaelmas, for all service. And there is one capital messuage there with a dovecot, which are worth 12<sup>d</sup> a year and not more, because they are situated in the park there. And there are 83 acres of arable land there, which are worth 13<sup>s</sup> 10<sup>d</sup> a year, being 2<sup>d</sup> an acre; and there is half an acre of meadow there, which is worth 10<sup>d</sup> a year, and there are 100 acres of wood there outside [the manor or ? the park], the pasture whereof is not valued by the year, because it is common to all the men of the neighbourhood, but the feeding of pigs there is worth 4s. a year, when there is any, and the underwood of the park there is worth 2s. a year, and the pasture of the said park is not valued by the year, because the wild animals in the said park eat up the said pasture; and of rents of assize there is 100<sup>s</sup> 4½<sup>d</sup> there, payable at the terms written below, viz., at the Feast of St. Martin, 6<sup>d</sup>, at the feast of St. Thomas the Apostle, 3<sup>s</sup> 5½<sup>d</sup>; at the Feast of the



Purification of the Blessed Mary, 30<sup>s</sup> 5<sup>3</sup>/<sub>4</sub><sup>d</sup>; at the Feast of the Annunciation of the Blessed Mary, 18<sup>d</sup>; at the Feast of Easter, 7<sup>d</sup>; at the Feast of Pentecost 30<sup>s</sup> 5<sup>3</sup>/<sub>4</sub><sup>d</sup>; at the Feast of the Nativity of St. John the Baptist, 2<sup>s</sup>; at the Feast of St. Peter ad Vincula, 11<sup>d</sup>, and at the Feast of St. Michael, 30<sup>s</sup> 5<sup>1</sup>/<sub>2</sub><sup>d</sup>. And the pleas and perquisites of the Court there are worth 12<sup>d</sup>. They say also that Stephen de Segrave, son of the aforesaid John de Segrave the elder, is the next heir of the said John, and is of full age. In witness whereof the aforesaid Jurors have affixed their seals to this inquisition. Given on the day and year, and in the place aforesaid.

Total value : £6. 3<sup>s</sup> 0<sup>1</sup>/<sub>2</sub><sup>d</sup>.

“Salop’.

Inquisicio\* capta Cora’ Joh’e de Hampton’ Eschaetore d’ni Regis apud Brugg’ Norht’ die J’vi in c<sup>st</sup>ino Omniu’ s’c’or’ Anno Regni Regis Edwardi [filiū regis Edwardi] decimo nono . videl’t s’c’d’m tenore’ br’is d’ni Reg’ huic inq’sic’o’i consuti p’ sac’r’m Reginaldi del Hay, Hug’onis le Harpour, Joh’is Henr’, Ric’i de Holicote, Ric’i le Child, Will’i de . . . wode, Joh’is Bernard, Ric’i de Ford’, Joh’is de Bradestan, Walt’i de Northtone, Joh’is le Rede & Alani le Pouwer, Jur’ Qui dicunt p’ sac’r’m suu’ quod Joh’es de Segraue senior nich’ tenuit de d’no Rege in Capite in d’nico suo vt de Feodo die q<sup>o</sup> obiit in Comitatu p’d’c’o. Set dicunt q’d p’dict’ [Joh’es & Cristiana] uxor ei’ co’iunctim tenuerūt die q<sup>o</sup> p’d’c’us Joh’es obiit Maneriu’ de Stottesdon’ de d’no Rege in Capite p’ s’uiciu’ vni’ Feodi Militis [? ex dono & feoffamento] . . . Hugonis de Plescy Aui Hugonis de Plescy qui nu’c est q’ quidem Hugo p’d’c’os Joh’m et Cristiana’ de Manerio p’d’c’o cu’ p’ tinencijs Feofaut [? h’end’ et te]nend’ eisdem Joh’i & Cristiane uxori sue & he’dibz de corporibz eor’dem exeuntibz de d’no Rege in Capite & he’d’ suis p’ s’uicia inde debita & consueta In quo [? p’d’c’o] Manerio e’ q<sup>o</sup>ddam Capitale Mesuag’ cū gardinis et Curtilag’ & valet p’ ann’ xl. d. Et sunt ibidem due Carucate t’re et valent p’ annu’ lx. s. p’c’ [? Carucat’] t’re. xxx.s. Et sunt ibide’ . iiij<sup>or</sup> acr’ prati t’ valent p’ annu’ vj. s. viij. d. p’c’ acr’ xx. d. Et no’ e’ ibide’ pastura sep’al’ Et e’ ibide’ quida’ bosc’ . . . nullus q’ nullus e’ ibide’ s’bboscus, Et past’a e’ com’unis Et su’t ibide’ duo Molend’ Aquatica q’ valent p’ annu’ xxvj. s. viij. d. et no’ plus q’ . . . Et est ibide’ de Redditu ass’ q<sup>o</sup>r’da’ liberu’ tenenc’ p’ annu’ . vj. s. viij. d. ad t’i’os An’unc’ b’e Mar’, S’c’i’ Joh’is Bapt’ et S’c’i’ Mich’ eq’s porcionibz. Et est ibide’ de Reddit’ ass’ q<sup>o</sup>r’dam Custumar’ x. li. ad t’i’os p’d’c’os eq’s porcionibz . It’m dicu’t q’d pl’ita & p’q’sita Cur’

\* Inquisition for Co. Salop, taken the 2nd of November, 19 Edw. II. (N.B.—Part of this is so rubbed as to be illegible.)



ibide' vale't p' annu' . xl.d. Et dicu't q'd Steph's de Segraue est p' pinq'or heres  
p'd'e'i Joh'is de Segraue et est etatis q<sup>a</sup> draginta Annor' et amplius. In cui' rei  
test'm p'd'e'i Jur' huic inquisic'o'i sigilla sua apposueru't."

Of the foregoing the following is a translation :

Salop.

Inquisition taken before John de Hamptone, Escheator of the Lord the King, at Bridgenorth, on Thursday, the Morrow of All Saints, in the nineteenth year of the reign of King Edward [son of King Edward] to wit in accordance with the tenor of a writ of the Lord the King, sewn to this inquisition, by the oath of Reginald del Hay, Hugh le Harpour, John Henry, Richard de Holicote, Richard le Child, William de . . . wode, John Bernard, Richard de Ford, John de Bradestan, Walter de Northtone, John le Rede and Alan le Pouwer, Jurors, who say by their oath that John de Segrave the elder held nothing of the Lord the King in chief in his demesne as of fee on the day he died in the county aforesaid. But they say that the aforesaid John and Cristiana his wife jointly held, on the day the said John died, the Manor of Stottesdone of the Lord the King in chief by the service of one knight's fee [? by the gift and feoffment] of Hugh de Plescy, grandfather of Hugh de Plescy who now is, the which Hugh enfeoffed the aforesaid John and Cristiana with the manor aforesaid with its appurtenances [? to have and to hold] to the said John and Cristiana, his wife, and the heirs of their bodies from the Lord the King and his heirs in chief by the services thereon due and accustomed. And in this manor aforesaid there is a certain capital messuage with gardens and a courtyard, and is worth 40<sup>d</sup> a year. And there are two carucates of land there, and they are worth 60<sup>s</sup> a year, being 30<sup>s</sup> per carucate. And there are 4 acres of meadow there, and they are worth 6<sup>s</sup> 8<sup>d</sup> a year, being 20<sup>d</sup> an acre; and there is no separate pasture there. And there is a certain wood there [? which is not valued] because there is no underwood there, and the pasture is common. And there are two water-mills there, which are worth 26<sup>s</sup> 8<sup>d</sup> a year, and not more, because . . . . And of rents of assize there is 6<sup>s</sup> 8<sup>d</sup> a year from certain free tenants there in equal portions at the feasts of the Annunciation of the Blessed Mary, of Saint John the Baptist and Saint Michael. And of rents of assize from certain customary tenants there is £10 there, in equal portions at the terms aforesaid. They say also that the pleas and perquisites of the Court there are worth 40<sup>d</sup> a year. And they say that Stephen de Segrave is the next heir of the aforesaid John de Segrave, and is forty years of age and more. In witness whereof the aforesaid Jurors have affixed their seals to this inquisition.

## "Oxon'.

Inquisic'o fe'a apud Henton' in Com' Oxon' xxx die Nouembr' Anno regni Regis Edwardi filij regis Edwardi decimo nono, coram Ric'o le Wayte, escaetore d'ni Regis in diu'sis Comitibz iuxta tenorem br'is d'ni Regis huic inquisic'o'i consuti p' sacr'm Ade de Hedyngdon, Rob'ti de Bagle, Joh'is Thurstan, Ade Walrand, Will'i de Gosseford, Rob'ti de la Lee, Joh'is de Midelyngton', Reginald de Wrotham, Walt'i Spark', Will'i Hardyng', Rog' Planyz & Will'i Gregori, Jur'. Qui dicunt sup' sacr'm suu' q'd Joh'es de Segraue senior tenuit in d'nico suo vt de feodo die quo obiit quinquaginta & tres solid' & quatuor denar' annui redditus cu' p'tin' in Henton' in Com' p'd'c'o p'cipiend' ad t'm'i'os Nat'lis d'ni Pasche Nati' s'c'i Joh'is Bapt' & s'c'i Mich'is p' equales porc'o'es de quibzdam t'ris & ten' que Henr' Malyn tenet de p'd'c'o Joh'e in Henton' Et dicunt q'd p'd'c'us redditus tenet' in capite de Reginald' de Hameden' p' s'uiciu' vni' denar' p' annu' p om'i servicio ad f'm s'c'i Mich' soluend'. Dicunt eciam q'd Steph'us de Segraue fil' p'd'c'i Joh'is de Segraue senioris et p'pinquior heres eiusdem Joh'is & plene etatis In cui' rei testimoniu' p'd'c'i Jurati huic Inquisic'o'i sigilla sua apposuerunt."

Of the foregoing the following is a translation :

## Oxon.

Inquisition made at Hentone in the County of Oxon on the 30th day of November, in the nineteenth year of the reign of King Edward, son of King Edward, before Richard le Wayte, escheator of the Lord King in divers Counties, in accordance with the tenor of a writ of the Lord King, sewn to this inquisition, by the oath of Adam de Hedyngdon, Robert de Bagle, John Thurstan, Adam Walrand, William de Gosseford, Robert de la Lee, John de Midelyngtone, Reginald de Wrotham, Walter Sparke, William Hardyng, Roger Planyz and William Gregori, Jurors, who say upon their oath that John de Segraue, the elder, held in his demesne as of fee on the day he died fifty-three shillings and four pence annual rent, with its appurtenances, in Hentone, in the County aforesaid, due at the terms of the Nativity of our Lord, Easter, the Nativity of St. John the Baptist and St. Michael, in equal portions, from certain lands and tenements which Henry Malyn holds of the aforesaid John in Hentone. And they say that the aforesaid rent is held in chief of Reginald de Hamedene by the service of one penny a year for all service payable at the feast of St. Michael. They say also that Stephen de Segraue, son of the afore-

said John de Segrave the elder is next heir of the said John, and is of full age. In witness whereof the aforesaid Jurors have affixed their seals to this inquisition.

The Writ to the Escheator of Cos. Lincoln, Northants and Rutland was dated the 4th of October, 19 Edw. II.

The Inquisition was taken for Co. Northants at Chaucombe, the 22nd of December, 19 Edw. II.

The Jury found that John, son of Stephen de Segrave, kinsman of the said John de Segrave, deceased, is next heir, and is aged 9 years and more.

Two Inquisitions were taken for Co. Hunts, on the 6th of December, 19 Edw. II., (1) at Alkemundbery, (2) at Huntingdon.

The Jury found that John de Segrave, son of Stephen de Segrave, kinsman of John, deceased, is next heir, and aged 9 years and more.

An Inquisition for Co. Notts was taken at Thorp Bossard, Sunday, the Feast of the Conception of the Blessed Virgin Mary (Dec. 8), 19 Edw. II.

Heir as for Co. Hunts.

An Inquisition for Co. Derby, was taken at Repindon (*i.e.*, Repton), on . . . day after the Feast of St. Nicholas the Bishop (Dec. 6), 19 Edw. II.

Heir as for Co. Hunts.

An Inquisition for Co. Warwick, was taken at Conmor', Tuesday, before the Feast of St. Nicholas (Dec. 6), 19 Edw. II.

Heir as for Co. Hunts.

An Inquisition for Co. Leicester, was taken at Segrave, on Saturday, the vigil of the Conception of the Blessed Virgin Mary (*i.e.*, Dec. 7).

Heir for Co. Hunts.

Several other writs and inquisitions follow, dealing with advowsons and extents only, and making no return of the heir.

The Inquisition taken after the death of *Stephen* for the county of Nottingham, at Thorpe Buzzard, on "die M<sup>a</sup>rtis p<sup>x</sup> p' f'm S<sup>c</sup>i Valentini M<sup>a</sup>rtir'," 19 Edward II., was produced in evidence at the hearing of Lord Stourton's Petition, and it was thereby proved that "Joh<sup>n</sup>es de Seg<sup>a</sup>ve fil' p<sup>d</sup>c'i Steph<sup>i</sup> de Seg<sup>a</sup>ve est ejus heres p<sup>p</sup>inquir 't est etatis nove' annor' 't amplius." It shows also that Stephen himself was son and next heir to John Segrave, called senior.

III. STEPHEN DE SEGRAVE, third LORD SEGRAVE, "by Writ of Summons" son and heir of John, second Lord Segrave, by his wife Christian, daughter of Sir Hugh de Plessetis (or de Plescy), succeeded his father about September, 19th Edward II., when he was aged forty years. He has not hitherto been numbered amongst the Lords Segrave, but careful note of the Inquisitions taken on the death of his father, already quoted or referred to, will show that he did undoubtedly succeed, though he survived but a few months.

Stephen de Segrave was engaged with Edward I. in his Scottish Wars, and in the 12th year of his reign he was pardoned for having taken part with Thomas, Earl of Lancaster; and in the same year, for his good and faithful services, he received a grant of the hundred of Stottesden for life. He witnessed his father's Charter of Confirmation to the Priory and Convent of Chaucombe. He was made Constable of the Tower of London in the 16th of Edward II., and accompanied his father under the command of Edmund, Earl of Kent, into Gascony. He, as "Mons' Esteven de Segrave," was present with his father in the Parliament of 12th Edward II. This is proved by the Parliament Roll for that year, but the Summons under which he sat is not recorded, for special Writs were then but rarely recorded. So that whether he survived his father or not, which it is pretty certain he did, there can be no doubt of the fact that even before his father's death he was a Lord of Parliament. Little further seems to be known concerning him. On the 30th of November, 19th of Edward II., he is found to be son and next heir in an Inquisition taken on the death of his father. In another taken on the 6th of December his own son John is found to be heir to the father of Stephen. So that the latter's death probably took place between those dates, if he were in England at his death, or a little earlier if abroad. The writs for the Inquisitions to be taken on the death of Stephen are dated the 12th of December. His next heir was found to be his son John, then aged 9 years and over.

Stephen, Lord Segrave, married Alice de Arundel, who had assigned to her for her dower the Manor of Caludon, Co. Warwick, with certain other lands. Of this marriage there was a son and heir, John de Segrave, who succeeded his father in the 19th year of the reign of Edward II.

IV. JOHN DE SEGRAVE, fourth LORD SEGRAVE "by Writ of Summons," in the Peerage of England (frequently referred to as third Lord Segrave), was the son and heir of Stephen de Segrave, Lord Segrave, by his wife, Alice de Arundel.

He succeeded his father about November 30, 1325, but as his grandfather, John, Lord Segrave, had only shortly predeceased Stephen, Lord Segrave, John, 4th Lord Segrave, was found heir to his grandfather in some of the later Inquisitions upon the latter's death, and this has caused some confusion as to the succession, and also in the numbering of the Lords Segrave.

John, 4th Lord Segrave, is stated to be 9 years and upwards in age, and 10 years of age in the Inquisitions taken upon the deaths of his father and grandfather.

He was summoned to Parliament on the 29th of November, 10th of Edward III.; the 15th of November, 13th of Edward III., when he was present in Parliament; and the 15th of November, 25th of Edward III., 1351. He had livery of his lands on doing his homage in the 10th of Edward III. He served with distinction in his French and Scottish Wars, with his men and archers.

John, 4th Lord Segrave, married before the 15th of December, 1338, the Lady Margaret Plantagenet, daughter and co-heir of Thomas Plantagenet, "of Brotherton," Earl of Norfolk, and subsequently (after 1375) sole heir and *suo jure* Countess of Norfolk. She was eventually created Duchess of Norfolk for life, in the 21st of Richard II. (on the same day that her grandson was created Duke of Norfolk), and survived her daughter and her son-in-law and her elder grandson, dying the 24th of March, 1398-99.

John, Lord Segrave, granted several charters to Religious Houses, in which he styled himself "Dominus de Segrave," or "Le Seigneur de Segrave." On the hearing of Lord Stourton's Petition two of these charters were produced in evidence; one was dated at Bretteby "die Martis p'ximo post festu' S'e'i Mich'is Archang'li" the 26th of Edward III., in which he described himself as "Joh'es d'n's de Seg've"; the second was dated at "n're chastiel de Brettiby le Meskerdy p'schein ap's la feste

de Seint Hillary," in the same year, in which he described himself as "Johan seign<sup>r</sup> de Seg<sup>a</sup>ve." An impression of his seal is attached to the first charter. This shows a shield on which is a lion rampant,\* within the legend, "SIGILLVM ∴ IOHIS ∴ DOMINI ∴ DE ∴ SEGRAVE."

John, 4th Lord Segrave, died on Tuesday in Easter Week (1353), 27th of Edward III., at the early age of 38, leaving issue by his wife an only daughter and sole heir, Elizabeth, who succeeded.

At the hearing of Lord Stourton's Petition, the Inquisition upon his death was produced in evidence. It was taken at Southwark, Surrey, on the 24th of April, 27th of Edward III., and showed that he left "Elizabeth' fil' 't her' p'd'c'i Joh'is de Segrave q<sup>a</sup>m Joh'es fil' Joh'is de Moubray de Axiholm duxit in ux'em est fil' 't her' p'd'c'i Joh'is p'pinquior 't etat' sexdecimannor' 't amplius."

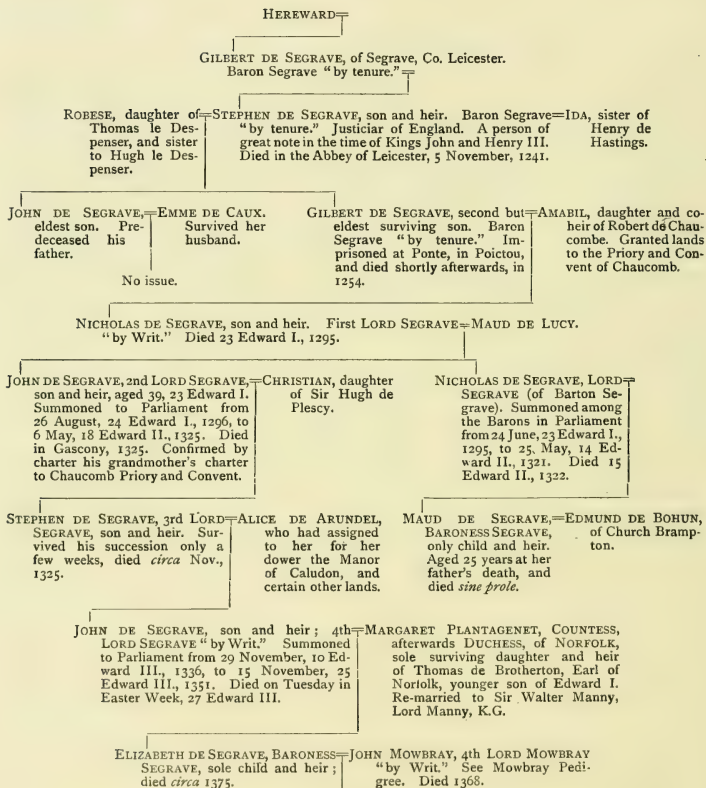
\* It is impossible to say whether the lion is crowned or not.

V. ELIZABETH DE SEGRAVE, *suo jure* Baroness Segrave, the fifth holder of the Peerage, was the only daughter and sole heir of John, fourth Lord Segrave, by his wife, the Lady Margaret Plantagenet, daughter and co-heir and eventually sole heir of Thomas Plantagenet, "of Brotherton," Earl of Norfolk, younger son of King Edward I., sole issue and heir, was born in the Abbey of Croxton, and was baptized in the parish church of Croxton on the 25th October, 12th Edward III., according to the Inquisition of the proof of her age taken at Melton, the 14th of September, 27th of Edward III., and in the same year, on the 24th of September, livery of the lands of John, Lord Segrave, was granted to Elizabeth, his daughter, then wife of John de Mowbray, and to John de Mowbray, their son and heir.

In 1353 she succeeded her father at the age of 15, being then the wife of John, fourth Lord Mowbray (see page 771). John, Lord Mowbray, having joined the Crusades, was slain by the Turks near Constantinople on the 9th of October (1368), 42nd of Edward III. Elizabeth, Lady Mowbray and Segrave, died before her mother, about the year 1375, and was succeeded by her elder son, John de Mowbray, fifth Lord Mowbray and sixth Lord Segrave, afterwards Earl of Nottingham.

With the death of Elizabeth, Lady Mowbray and Segrave, the direct line of the House of Segrave came to an end, and in the person of her son the Baronies of Mowbray and Segrave became united, and have not since been separated. It does not seem likely they will again be parted. The Segrave pedigree up to this point will be found on the following page :





At the death of Elizabeth, Lady Mowbray and Segrave, the succession devolved upon her son, and is identical with the succession to the Barony of Mowbray, which has been already detailed. It is as under :

VI. John de Mowbray (see page 774), Earl of Nottingham, fifth Lord Mowbray, sixth Lord Segrave ; born 1364 ; died unmarried 1381-82, and was succeeded by his brother,

VII. Thomas de Mowbray (see page 776), Duke of Norfolk, &c., sixth Lord Mowbray and seventh Lord Segrave, K.G. ; born about 1365 ; married Elizabeth FitzAlan ; died 1399, and was succeeded by his son,

VIII. Thomas de Mowbray (see page 788) (*de jure* Duke of Norfolk), but known as "The Earl Marshal" ; seventh Lord Mowbray and eighth Lord Segrave ; born 1385 ; married Constance Holland. Executed at York in June, 1405, and was succeeded by his brother,

IX. John de Mowbray (see page 793), Duke of Norfolk, &c., eighth Lord Mowbray and ninth Lord Segrave, K.G. ; born 1390 ; married Katharine Nevill ; died 1432, being succeeded by his son,

X. John de Mowbray (see page 799), Duke of Norfolk, &c., ninth Lord Mowbray and tenth Lord Segrave, K.G. ; born 1415 ; married Eleanor Bouchier, and died 1461, being succeeded by his son,

XI. John de Mowbray (see page 803), Duke of Norfolk, &c., tenth Lord Mowbray and eleventh Lord Segrave, K.G., K.B., &c. ; born 1444 ; married Lady Elizabeth Talbot, and died 1475-76, being succeeded by his only child,

XII. Anne de Mowbray (see page 805), Duchess of York and Norfolk, &c., Baroness Mowbray and Baroness Segrave ; born 1472 ; married Richard Plantagenet, Duke of York and Norfolk, son of King Edward IV., and died 1480-81 without issue, when all her honours fell into abeyance.

This abeyance has been already discussed (see pages 816-823). The identical arguments and considerations applicable to the Barony of Mowbray apply equally to the Barony of Segrave, these two Baronies having become inseparable. The abeyance was determined in favour of the Howard family, the elder co-heirs. The Baronies therefore devolved as under :

XIII. John Howard (see page 824), Duke of Norfolk, &c., twelfth Lord Mowbray and thirteenth Lord Segrave ; born about 1430 ; married Catherine de Moleyns, and was slain at the Battle of Bosworth, August 22, 1485, being succeeded by his son, and both father and son being shortly afterwards attainted.

XIV. Thomas Howard (see page 826) succeeded his father as Duke of Norfolk, &c., thirteenth Lord Mowbray, and fourteenth Lord Segrave, but with his dead father was shortly afterwards attainted. This attainder was, 1489-90, reversed for them *and their heirs*, but "for the said Thomas" only, the Act restored him "onely to the honour" of Earl of Surrey. He gained the celebrated victory of Flodden, and was re-created 1513-14 Duke of Norfolk, with the original precedence of the Dukedom. He was born 1443, and married Elizabeth Tylney, and died 1524, being succeeded by his son,

XV. Thomas Howard (see page 831), Duke of Norfolk, &c., fourteenth Lord Mowbray, and fifteenth Lord Segrave, K.G. ; born 1473 ; convicted of high treason 1546-47 ; restored 1553 ; married Lady Elizabeth Stafford, and died 1554, being succeeded by his grandson,

XVI. Thomas Howard (see page 835), Duke of Norfolk, &c., fifteenth Lord Mowbray, and sixteenth Lord Segrave, K.B. ; born 1536 ; married Lady Mary FitzAlan ; convicted of high treason and executed 1572, when all his honours were forfeited. The Baronies of Mowbray and Segrave were, with other Baronies, restored to his grandson,

XVII. Thomas Howard (see page 837), Earl of Arundel, Surrey, and Norfolk, &c., sixteenth Lord Mowbray and seventeenth Lord Segrave ; obtained a reversal of the attainders of his father and grandfather, and succeeded to all their honours except the Dukedom of Norfolk ; born 1585 ; married Lady Alethea Talbot and died 1646, being succeeded by his son,

XVIII. Henry Frederick Howard (see page 840), Earl of Arundel, Surrey and Norfolk, &c., seventeenth Lord Mowbray and eighteenth Lord Segrave; born 1608; summoned to the House of Lords *vitâ patris* as Lord Mowbray; married Lady Elizabeth Stuart and died 1652, being succeeded by his son,

XIX. Thomas Howard (see page 842), Duke of Norfolk, &c., eighteenth Lord Mowbray and nineteenth Lord Segrave, &c.; born 1627; died unmarried 1677, being succeeded by his brother,

XX. Henry Howard (see page 844), Duke of Norfolk, &c., nineteenth Lord Mowbray and twentieth Lord Segrave, &c.; born 1628; married Lady Anne Somerset, and died 1683-84, being succeeded by his son,

XXI. Henry Howard (see page 845), Duke of Norfolk, &c., twentieth Lord Mowbray and twenty-first Lord Segrave, &c.; born 1653-54; married Lady Mary Mordaunt, but died without issue 1701, being succeeded by his nephew,

XXII. Thomas Howard (see page 847), Duke of Norfolk, &c., twenty-first Lord Mowbray, twenty-second Lord Segrave, &c., born 1683; married Maria Winifreda Francisca Sherburne, and died without issue 1732, being succeeded by his brother,

XXIII. Edward Howard (see page 848), Duke of Norfolk, &c., twenty-second Lord Mowbray, and twenty-third Lord Segrave, &c.; born 1686; married Mary Blount, but died without issue in 1777, when the Baronies of Mowbray and Segrave again fell into abeyance.

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This abeyance has been already referred to (see pages 849-851). Suffice it here to say that in 1877 the two co-heirs were Alfred Joseph, Lord Stourton, and William Bernard, Lord Petre.

As the senior co-heir to the Baronies of Mowbray and Segrave [which had been in abeyance since the death, on the 20th of September, 1777, of Edward (Howard), 9th Duke of Norfolk, between the heirs of Winifred (Howard), Lady Stourton, and

Anne (Howard), Lady Petre], Alfred Joseph, 20th Lord Stourton, petitioned the Crown, praying that the abeyance of those two Baronies might be terminated in his favour as senior co-heir. Her Majesty referred the petition in the usual manner to the House of Lords, and Lord Stourton was therefore called upon to establish his descent and co-heirship before the Committee of Privileges of the House of Lords. The case first came on for hearing before the Committee on the 30th of May, 1876, and was further heard on the 14th of July in the same year, on the 23rd of March, 1877, the 12th of June, and the 24th and 26th of July following, the Counsel for Lord Stourton, the petitioner, being Mr. Fleming, Q.C., and Mr. Reginald Cust. After the Attorney-General had been heard on behalf of the Crown, it was, on the 27th of July, proposed to resolve concerning the Barony of Segrave :

“ That the Barony of Segrave is an ancient Barony in fee.

That it is proved by the Writ of Summons addressed to Nicholas de Segrave in the 11th year of Edward I., and the other evidence adduced on behalf of the Petitioner, that the Barony of Segrave was in the reign of King Edward I. vested in Nicholas de Segrave.

That the Barony of Segrave descended in succession to the son, and to the great-grandson of Nicholas, Lord Segrave.

That on the death of John, Lord Segrave, the great-grandson of Nicholas, in the 27th year of Edward III.\* the Barony of Segrave descended to his daughter Elizabeth, who was then the wife of John Mowbray, who succeeded his father as Lord Mowbray in the 35th year of Edward III.

That the Barony of Segrave is now in abeyance between the co-heirs of Thomas, Earl of Arundel and Surrey, Lord Mowbray and Segrave.

That the Petitioner and William Bernard, Lord Petre, are now the co-heirs of the said Thomas, Earl of Arundel and Surrey, and co-heirs to the Barony of Segrave.

That the Barony of Segrave is at Her Majesty's disposal.

On the Question being put,

It was resolved in the affirmative.

And it was ordered that this Resolution be reported to the House.”

A Writ of Summons being only issued to a Peer in one of his Peerages, it was impossible to determine the abeyance of the Barony of Segrave in the same manner

\* On page 712 this is incorrectly printed “Edward I.” There can be no doubt it is an error for “Edward III.,” but the resolution of the House, according to the transcript of the shorthand notes, distinctly reads “Edward I.”

as the abeyance of the Barony of Mowbray was terminated. Consequently the Barony of Segrave was called out of abeyance by the issue of Letters Patent under the Great Seal of England.

The Warrant for the issue of these was as follows :

“Victoria, by the Grace of God of the United Kingdom of Great Britain, and Ireland, Queen Defender of the Faith. To our right, trusty, and wellbeloved Councillor, Hugh M<sup>c</sup>Calmont, Baron Cairns, Our Chancellor of that part of Our said United Kingdom, called Great Britain. Greeting. We will and command that under the Great Seal of Our said United Kingdom remaining in your custody you cause these Our Letters to be made forth Patent in form following. Victoria &c. [*here follow the words of the patent*]. Given at Our Court at Saint James's the second day of January One thousand eight hundred and seventy-eight in the forty-first year of Our reign.

By Her Majesty's Command  
(*signed*) RICH<sup>d</sup> ASSHETON CROSS.

Received the 18th day of January 1878.  
(*signed*) CAIRNS, C.”

“May it please Your Most  
Excellent Majesty.

This contains a Warrant to the Lord High Chancellor to pass Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland containing Your Majesty's Grant unto Alfred Joseph Lord Stourton, of the ancient Barony of Segrave now in abeyance To have, hold, and enjoy the same to him and the heirs of his body lawfully begotten and to be begotten, with all and singular the rights, privileges, immunities, and advantages, and also the place and precedency due and belonging to the said ancient Barony of Segrave. And this Warrant is prepared according to Your Majesty's Royal Command.

Signified by Mr. Secretary Cross  
(*signed*) JOHN HOLKER.

Temple, Jan'y 9th, 1878.

Privy Seal 18th January 1878.  
(*signed*) WM ENGLISH.”

The Letters Patent themselves are as follows :

“VICTORIA BY THE GRACE OF GOD of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith and so forth TO all Arch-



bishops Dukes Marquesses Earls Viscounts Bishops Barons Knights Provosts Free-men and all others Our Officers, Ministers and Subjects whatsoever to whom these presents shall come Greeting WHEREAS Our right trusty and welbeloved Alfred Joseph Lord Stourton of Stourton in Our County of Wilts hath by his Petition humbly represented unto Us That the Petitioners Ancestors the Lords Segrave were Lords of Parliament and Barons of the Realm in and from the reign of King Henry the Third. That the Petitioners Ancestor Nicholas de Segrave the son and heir of Gilbert de Segrave was a Baron of the Realm in the early part of the reign of Henry the Third was summoned to Parliament in the forty ninth year of His reign and in the twenty third year of the reign of Edward the First and was present in Parliament as a Lord of Parliament in the eighteenth year of the reign of Edward the First. That Nicholas Lord Segrave died in the twenty third year of the reign of Edward the First and was succeeded by his Son John Lord Segrave who was summoned to Parliament from the twenty fourth year of the reign of Edward the First to the eighteenth year of the reign of Edward the Second and who sat in Parliament in the twelfth year of the reign of King Edward the Second and died in the year one thousand three hundred and twenty five leaving his Grandson John de Segrave the only son of Stephen de Segrave his eldest son his heir and that the said John Lord Segrave was summoned to Parliament as Lord Segrave from the tenth to the twenty fifth years of the reign of King Edward the Third and sat in Parliament as a Lord of Parliament. That John Lord Segrave married Margaret Countess of Norfolk the daughter and sole heir of Thomas of Brotherton Earl of Norfolk a younger Son of King Edward the First and had issue by her an only Daughter and heir Elizabeth who married John Lord Mowbray and that John Lord Segrave died in one thousand three hundred and fifty three leaving the said Elizabeth his heir. That John Lord Mowbray the husband of Elizabeth Lady Segrave was summoned to Parliament as Lord Mowbray from the thirty sixth to the thirty ninth year of the reign of King Edward the Third and had issue by his said wife two Sons John Mowbray his eldest Son and Thomas Mowbray his second Son and that he died in the year One thousand three hundred and sixty nine. That John Lord Mowbray and Segrave the son and heir of the last named John Lord Mowbray and Elizabeth Lady Segrave was whilst under age created Earl of Nottingham by King Richard the Second at his Coronation on the sixteenth July One thousand three hundred and seventy seven and died without issue in the year One thousand three hundred and eighty three when his title of Earl of Nottingham became extinct. That Thomas Lord Mowbray and Segrave the Brother and heir of John Earl of Nottingham was created Earl of Nottingham on the twelfth February One thousand three hundred and eighty three and Duke of Norfolk on the twenty ninth September One thousand three hundred and ninety seven. That the



said Thomas Duke of Norfolk had issue two Sons Thomas Lord Mowbray and John Mowbray and two Daughters Margaret the wife of Sir Robert Howard Knight the Petitioners ancestor and Isabel who married James Lord of Berkeley and was the ancestor of the Lords and Earls of Berkeley and that the said Thomas Duke of Norfolk was banished the realm in the year One thousand three hundred and ninety seven and died at Venice in the year One thousand three hundred and ninety nine. That Thomas the elder Son of the said Thomas Duke of Norfolk bore the titles of Earl of Nottingham and Lord Mowbray and Segrave but under the misapprehension of his rights did not assume the title of Duke of Norfolk and that he died without issue in the year One thousand four hundred and five. That John Lord Mowbray and Segrave Earl of Nottingham the second Son of Thomas first Duke of Norfolk was declared by Parliament in the year One thousand four hundred and twenty four entitled to the dignity of Duke of Norfolk under the Grant made to his father and that he died in the year One thousand four hundred and thirty two. That John Mowbray Duke of Norfolk Earl of Nottingham and Lord Mowbray and Segrave the only son of the last named John Duke of Norfolk died in the year One thousand four hundred and sixty one leaving an only Son John Duke of Norfolk who died in the year One thousand four hundred and seventy five leaving an only Daughter and heir Anne Lady Mowbray and Segrave who was an infant of tender years at her father's death and was contracted in marriage to Richard Duke of York the second Son of King Edward the Fourth who was upon his marriage also created Duke of Norfolk but that she died in childhood. That on the death of the said Anne Lady Mowbray and Segrave Duchess of York and Norfolk the Baronies of Mowbray and Segrave fell into Abeyance between Sir John Howard created Lord Howard in the year One thousand four hundred and seventy and Duke of Norfolk in the year One thousand four hundred and eighty three as the Son and heir of Lady Margaret Mowbray the elder Daughter of Thomas Mowbray first Duke of Norfolk and William then Viscount and Baron of Berkeley the eldest son of Isabel the younger Daughter of the said Thomas Mowbray first Duke of Norfolk. That the Abeyance of the Baronies of Mowbray and Segrave was previously to the month of September One thousand four hundred and eighty four determined in favour of the said John Lord Howard who had been previously created Duke of Norfolk. That John the first Duke of Norfolk of the Howard family his Great Grandson Henry Howard Earl of Surrey and Thomas Duke of Norfolk the son of the said Earl of Surrey and Philip Earl of Arundel the Grandson of the said Earl of Surrey were severally attainted of High Treason. That Thomas Howard the son of Philip Earl of Arundel was by Act of Parliament in the year One thousand six hundred and four fully restored in blood and to the dignity of Earl of Surrey and to the Baronies which had been vested in his Grandfather Thomas

Duke of Norfolk before his attainder and the said Thomas Howard having succeeded to the dignity of Earl of Arundel became on the passing of the said Act of Parliament Earl of Arundel and Surrey and Lord Mowbray Segrave Braose of Gower and Howard and that he also held the four Baronies united to the Earldom of Arundel. That Henry Howard the Son and heir apparent of the said Thomas Earl of Arundel and Surrey was summoned to Parliament in his father's Barony of Mowbray in the year One thousand six hundred and forty and took his seat in Parliament as Lord Mowbray on the sixth of April in that year and was placed at the head of the Barons bench and that he succeeded his father as Earl of Arundel Surrey and Norfolk and as Lord Segrave in One thousand six hundred and forty six and died in One thousand six hundred and fifty two. That Henry Lord Mowbray Segrave and Howard Earl of Arundel Norfolk and Surrey had five Sons of whom Bernard the youngest was ancestor of the present Duke of Norfolk. That Thomas the eldest son was restored to the dignity of Duke of Norfolk by Act of Parliament in One thousand six hundred and sixty and died without issue in One thousand six hundred and sixty seven. That Henry the second son of Henry Earl of Arundel Norfolk and Surrey and Lord Mowbray Segrave and Howard succeeded his Brother in all his dignities and had two Sons Henry his successor and Thomas Howard who died in the lifetime of his elder Brother leaving issue two elder Sons Thomas Howard and Edward Howard successively Dukes of Norfolk and Philip Howard his third Son the Petitioners Ancestor. That Henry Duke of Norfolk died in the year One thousand six hundred and eighty four. That Henry Howard the eldest Son and heir apparent of the said Henry Duke of Norfolk was summoned to Parliament in the year One thousand six hundred and seventy seven, and was placed in his Father's Barony of Mowbray and under a decision of the House of Lords at the head of the Barons bench and that he succeeded his Father in the year One thousand six hundred and eighty four. That Henry Duke of Norfolk and Lord Mowbray Segrave Braose of Gower and Howard died without issue in the year One thousand seven hundred and one and was succeeded by his nephew Thomas Howard the eldest son of Lord Thomas Howard the second son of the before named Henry Duke of Norfolk and that Thomas Duke of Norfolk died without issue in the year One thousand seven hundred and thirty two. That Edward Howard the Brother and heir of the last named Thomas Duke of Norfolk succeeded to the dignities of Duke of Norfolk and Lord Mowbray Segrave Braose of Gower and Howard and to the other honours of his family in the year One thousand seven hundred and thirty two, and died without issue in the year One thousand seven hundred and seventy seven. That Philip Howard the third Son of the before named Thomas Howard and the younger Brother of Thomas and Edward successively Dukes of Norfolk died in the year One thousand seven hundred and fifty having been

twice married and leaving issue by his first marriage an only daughter Winifred the wife of William Lord Stourton and the ancestor of the Petitioner and by his second marriage an only daughter Anne the wife of Robert Edward Lord Petre and the ancestor of William Bernard now Lord Petre. That on the death of Edward Duke of Norfolk the Dignities of Lord Mowbray and Lord Segrave and of Braose of Gower and Howard fell into abeyance between Charles Philip Lord Stourton the Son and heir of the said Winifred Lady Stourton and Robert Edward Lord Petre the Son of the said Anne Lady Petre and that the said Dignities are now in abeyance between the Petitioner as the Great Grandson and heir of the said Charles Philip Lord Stourton and William Bernard Lord Petre as the Grandson and heir of the said Robert Edward Lord Petre and are at Our disposal. That the Petitioners Father Charles the eighteenth Lord Stourton died on the twenty third of December One thousand eight hundred and seventy two leaving the Petitioner his eldest son and heir and that the Petitioner has taken his seat in Parliament as Lord Stourton. That the Petitioner in May One thousand eight hundred and seventy six presented to Us his humble Petition praying that We would be graciously pleased to determine the abeyance of the Barony of Mowbray in his favour but inasmuch as the dignities of Mowbray and Segrave have been united together for more than five hundred years and have been invariably borne by the Petitioners ancestors the Mowbrays and Howards Dukes of Norfolk the Petitioner humbly hoped that We would be graciously pleased to determine the abeyance of the dignity of Lord Segrave as well as that of Lord Mowbray in his favour the Petitioner therefore most humbly prayed Us to be graciously pleased to determine the abeyance of the Dignity of Lord Segrave in his favour and to summon him to Our Parliament as Lord Mowbray and Segrave AND WHEREAS the said Petition having been referred to our Attorney General for his opinion and subsequently upon his report to the House of Peers to examine the allegations thereof as to what related to the Petitioner's title and to inform Us how the same should appear to their Lordships it WAS upon the twenty seventh day of July now last past resolved and adjudged by the Lords Spiritual and Temporal in Parliament assembled That the Barony of SEGRAVE is an ancient Barony in fee. That it was proved by the Writ of Summons addressed to Nicholas de Segrave in the eleventh year of Edward the First and the other evidence adduced on behalf of the Petitioner that the Barony of Segrave was in the reign of Edward the First vested in Nicholas de Segrave. That the Barony of Segrave descended in succession to the son and to the Great Grandson of Nicholas Lord Segrave. That on the death of John Lord Segrave the Great Grandson of Nicholas in the twenty seventh year of Edward the Third the Barony of Segrave descended to his daughter Elizabeth who was then the wife of John Mowbray who succeeded his father as Lord Mowbray in the thirty fifth year of

Edward the Third. That the Barony of Segrave is now in abeyance between the coheirs of Thomas Earl of Arundel and Surrey Lord Mowbray and Segrave. That the Petitioner and William Bernard Lord Petre are now the coheirs of the said Thomas Earl of Arundel and Surrey and Coheirs to the Barony of Segrave. And the said resolution and judgment of the Lords Spiritual and Temporal having been submitted to Our Royal consideration We have approved thereof and the said ancient Barony in fee is consequently at Our disposal. NOW KNOW YE that we being graciously pleased to gratify the Petitioner in his request and following the example of Our Royal Predecessors in cases of the like nature and having resolved that the title and dignity of so ancient a Barony shall not any longer continue under abeyance by virtue of Our Royal Prerogative are graciously pleased to terminate the same by granting and confirming unto Our said right trusty and welbeloved Alfred Joseph Lord Stourton and to the heirs of his body the said Barony of Segrave. KNOW YE therefore that We of our especial grace certain knowledge and mere motion Have declared and by these presents Do declare that the said Alfred Joseph Lord Stourton is and shall be BARON SEGRAVE and that he the said Alfred Joseph Lord Stourton and the heirs of his body lawfully begotten and to be begotten for ever shall be named and called Barons and Baronesses Segrave and shall have and enjoy the said ancient Barony of Segrave together with all the rights titles privileges preeminences precedencies immunities and advantages whatsoever to the same belonging or in any wise appertaining AND we have given granted and confirmed and do by these presents for Us Our heirs and successors give grant and confirm unto him the said Alfred Joseph Lord Stourton the said ancient Barony of Segrave together with all the rights titles privileges preeminences precedencies immunities and advantages whatsoever thereunto belonging or in any wise appertaining TO HAVE AND TO HOLD the said ancient Barony of Segrave together with all the said rights titles privileges preeminences precedencies immunities and advantages to him the said Alfred Joseph Lord Stourton and the heirs of his body lawfully begotten and to be begotten in as full and ample manner to all intents and purposes as the said Edward Duke of Norfolk or any of his ancestors Barons Segrave held and enjoyed the same. LASTLY We will and by these presents for Us our heirs and successors do grant to the said Alfred Joseph Lord Stourton that these Our Letters Patent or the Inrolment thereof shall be sufficient and effectual in the Law for the dignifying investing and really ennobling him the said Alfred Joseph Lord Stourton with the title state dignity and honour of Baron Segrave aforesaid and after his decease for the dignifying investing and really ennobling the heirs of his body aforesaid with the title state dignity and honor of Barons and Baronesses Segrave aforesaid and this without any investiture rites ornaments or ceremonies whatsoever

in this behalf due and accustomed which for some certain reasons best known to Us We could not in due manner do and perform any ordinance use custom rite ceremony prescription or provision due or used or to be had done or performed in conferring honors of this kind or any other matter or thing to the contrary thereof notwithstanding. We will also and by these presents grant to the said Alfred Joseph Lord Stourton that he may and shall have these Our Letters Patent duly made and sealed under Our Great Seal of Our United Kingdom of Great Britain and Ireland without fine or fee great or small to be for the same in any manner rendered done or paid to Us in Our Hanaper or elsewhere to Our use. IN WITNESS whereof We have caused these our Letters to be made Patent. WITNESS Ourself at Westminster the eighteenth day of January in the forty first year of Our reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL,  
C. ROMILLY."

XXIV. Alfred Joseph (Stourton), twentieth Lord Stourton, therefore became twenty-third Lord Mowbray and twenty-fourth Lord Segrave. He was born 1829 (see page 708); married Mary Margaret Corbally, and died 1893, being succeeded by his son,

XXV. Charles Botolph Joseph (Stourton), twenty-fourth Lord Mowbray, twenty-fifth Lord Segrave, and twenty-first Lord Stourton, the present Peer; born 1867 (see page 721); married Mary Constable, and has issue.



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THE BARONY OF FURNIVALL,

PRESENTLY IN ABEYANCE.

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THOMAS DE FURNIVALL,

LORD FURNIVALL, IN THE PEERAGE OF ENGLAND,

SUMMONED TO PARLIAMENT BY WRIT

THE 28TH OF JUNE, 1283.







*The Arms of Furnivall, namely, "Argent, a bend between six martlets gules."*

Most authorities concur in tracing the Lords Furnivall from Gerald "de Furnivall," who came from "Fourneville" in Normandy, and after accompanying King Richard I. to the Holy Land, settled in England. Gerald de Furnivall married Maud, daughter and heir of William de Lovetot, of Sheffield, Lord of Hallamshire, thereby acquiring vast estates in Yorkshire. To this match must be traced the origin of the Lordship of Lovetot, a title assumed centuries later by the Howards, Dukes of Norfolk. But as there are no Writs of Summons extant to prove the existence of a Parliamentary Peerage at that date, the so-called Barony of Lovetot, though perhaps admissible as a "Barony by tenure," cannot be considered as a heritable Peerage Barony. Dugdale places the family of Furnivall amongst the Barons by tenure, and they probably were so. Nevertheless, Thomas de Furnivall denied that he held any of his lands by Barony, whether at Sheffield, Worksop, or elsewhere.

Thomas de Furnivall, Lord of Hallamshire, *temp.* Henry III., was father of Gerald de Furnivall, who married Maud, sister and coheir of Richard FitzJohn, Lord FitzJohn. As there is no proof that the father of Lord FitzJohn was ever a Lord of Parliament, the Peerage Barony of FitzJohn presumably became extinct at the death of the said Richard. The son and heir of Gerald de Furnivall and Maud FitzJohn was,

I. Thomas de Furnivall, LORD FURNIVALL, a Lord of Parliament. He had livery of his father's lands in the 9th year of Edward I., and was summoned to Parliament

by Writ dated the 28th of June, 1283, addressed to "Thom' de Furnivall." His name appears upon the Vascon Roll (22nd of Edward I., 8th of June, 1294), and he received a further Writ of Summons on the 23rd of June, 1295. He was regularly summoned to Parliament from that date to the 27th of January, 1331-32 (6th of Edward III.), his Writs from and after the 25th of August (1381), 12th of Edward II., being addressed to him as "Thome de Ffurnivall, seniori." His name, as "Thom' de Furnivall, D'n's de Sheffield," was subscribed to the famous letter to the Pope in 1301. In the 14th year of Edward II. he was amerced as a Baron, and he thereupon petitioned the King, denying that he was a Baron, and denying that he held his lands by Barony or part of a Barony. The King referred the petition to the Court of Exchequer, to ascertain by examination of the records of the Exchequer whether Lord Furnivall might be justly amerced. The Court having found nothing certain upon the Rolls, an Inquisition was held in each of the three counties in which Thomas de Furnivall held lands, and in each case it was found that he did not hold by Barony. This is explicit evidence of the difference between a Baron by tenure and a Lord of Parliament, and clearly shows that the two dignities were not synonymous, and that the difference was even at that date clearly recognised. Indeed, it would seem that the distinction was much more clearly appreciated in those days than has been the case in later times. Probably, however, Lord Furnivall's original Writs of Summons were due to his position as a great landholder, and perhaps to his presumed Baronial tenure. Lord Furnivall was twice married. He died the 3rd of February (1331-32), 6th of Edward III., and was succeeded by his son by his first wife,

II. Thomas de Furnivall, second LORD FURNIVALL, who was aged 30 at his father's death in 1332. In his father's lifetime, and whilst under age he was, on the 25th of August, 1318, summoned to Parliament as "Thome de Ffournivall' juniori." He married, on the 21st of September, 1316, Joan (then aged 13), eldest daughter and co-heir of Theobald de Verdon, Lord Verdon. Through this marriage a coheirship to the Barony of Verdon has devolved. Lord Furnivall died the 14th of October, 1339, and was buried at Beauchief Abbey, Co. Derby, being succeeded by his son,

III. Thomas de Furnivall, third LORD FURNIVALL, who was aged 17 at the date of his father's death. He was present at the Battle of Crecy. He married, but died without issue about 1364, and was buried at Worksop, Co. Notts. He was succeeded by his brother,

IV. William de Furnivall, fourth LORD FURNIVALL, who was summoned to Parliament from the 20th of January (1365-66), 39th of Edward III., to the 7th of January (1382-83), 6th of Richard II. He married Thomazine, daughter of Thomas Dagworth, Lord Dagworth, by Eleanor his wife, widow of James Butler, Earl of Ormonde, daughter of Humphrey Bohun, Earl of Hereford, by the Lady Elizabeth Plantagenet, daughter of King Edward I. At the death of Nicholas, second Lord Dagworth, in 1401, without issue, Lady Furnivall, in her issue, became (probably) sole heir of her father, Lord Dagworth, and consequently the Barony of Dagworth probably devolved with the Barony of Furnivall. William, Lord Furnivall, died without male issue in the 6th year of Richard II., leaving an only daughter and heir,

V. Joane de Furnivall, *suo jure* BARONESS FURNIVALL. She married Thomas Nevill, second son of John, Lord Nevill (by his first wife, Maud, daughter of Henry Percy, Lord Percy), and next brother of Ralph Nevill, first Earl of Westmorland. In the 7th of Richard II. Thomas Nevill made proof of his wife's age, and had livery of her lands, which included not only those of her father, viz., Sheffield in Co. York, Worksop in Co. Notts, Eyam in Co. Derby, and Stoke Verdon in Co. Wilts, but also those of her mother, viz., Dagworth, Co. Suffolk, and Dagworth-in-Elmdon, Co. Essex. This is somewhat strange, inasmuch as her uncle, Nicholas, Lord Dagworth, did not die until 1401. Thomas Nevill was summoned to Parliament, *jure uxoris*, from the 20th of August, 1383, 7th of Richard II., to the 1st of December (1412), 4th of Henry IV., by Writs directed to him as "Thome de Nevill' de Hallamshire" (the names being variously spelled in the different Writs). In the Rolls of Parliament he is described as "Le Sire de Furnyvall. If these Writs, however, can be held to have technically created a new Barony (Nevill of Hallamshire) this Barony must have fallen into abeyance at the death of Thomas Nevill. Of this marriage of Lady Furnivall and Thomas Nevill there was issue an only daughter and heir, Maud. Joane, Lady Furnivall, was dead in the 2nd of Henry IV., when Thomas Nevill married, as his second wife, Ankaret, widow of Richard Talbot, Lord Talbot, and daughter of John de Strange, Lord Strange de Blackmere. Of this second marriage there was issue another only daughter, Joane. Thomas Nevill, Lord Furnivall (or Lord Nevill de Hallamshire) died without male issue in the 8th of Henry IV., when his own Barony of Nevill of Hallamshire (if such a Barony existed) fell into abeyance between his two daughters and coheirs Maud and Joane, but the Barony of Furnivall devolved upon his elder daughter,

VI. Maud Nevill, *suo jure* BARONESS FURNIVALL, only child and sole heir of her mother, Joane, *suo jure* Baroness Furnivall, and coheir of her father. At the death of her father she was aged 15, and was then married, as his first wife, to John Talbot, second son of her stepmother, Ankaret, by the latter's first marriage with Richard Talbot, Lord Talbot. John Talbot was summoned to Parliament as a Baron from the 26th of October, 1409, 11th of Henry IV., to the 26th of February, 1420-21, 8th of Henry V. His first Writ, and most of the remainder, were directed to "Johanni Talbot, D'no de Furnyvall." In some instances the Writs were directed to "Johanni Talbot de Furnyvall," but in one instance, dated the 1st of December (1413), 1st Henry V., the Writ was directed to "Johi' Talbot de Halomshire." "If it can be supposed that a new Barony (*Talbot de Hallamshire*) was created by this Writ of 1413, such Barony would follow the course of the Baronies of Furnivall, Strange de Blackmere, and Talbot" (*vide* G. E. C.'s "Complete Peerage," Vol. VII., page 136). By the death, on the 13th of December, 1421, of his infant niece, Ankaret, *suo jure* Baroness Talbot, and Baroness Strange de Blackmere, &c., the issue of his elder brother, Gilbert, Lord Talbot, became extinct, and John Talbot, Lord Furnivall, succeeded to the Baronies of Talbot (created by Writ of Summons, 1331) and Strange de Blackmere (created by Writ of Summons, 1308), and also succeeded to the Lordship of the Honour of Wexford. This was one of the five divisions into which the great Lordship of Leinster was in 1246 divided. He was in the Letters Patent of 1446 (which will be presently referred to) described as "Comes Salop et de Wexford, Dominus de Talbot, de Furnyall et le Straunge," and the Earls of Shrewsbury, his successors, have since been constantly styled in charters and Letters Patent from the Crown, as well as in the Journals of the House of Lords in Ireland, "Earls of Wexford," though no instrument of creation is extant, nor does it appear that any such instrument ever existed. He was made K.G. in 1424, and created, on the 20th of May, 1442, "Earl of Salop" ("nomen et honorem comitis Salop"). He was also created, on the 17th of July, 1446, Earl of the county and city of Waterford, and made hereditary Steward of Ireland, being granted the castle, Lordship, honour, lands, and Barony of Dungarvan. John Talbot, Earl of Shrewsbury, is one of the most striking figures in history, and is said to "have been victorious in forty several battles and dangerous skirmishes." He was Governor and Lieutenant-General of France and Normandy 1438-40, and Marshal thereof in 1445. He was Lord-Lieutenant of Ireland 1445-47. The Baroness Furnivall died in or before 1433, and was buried in Worksop Abbey. The Earl married secondly Lady Margaret Beauchamp, eldest daughter of Richard Beauchamp, Earl of Warwick. The Earl of Shrewsbury and Waterford was slain by a cannon-shot at the Battle of Chastillon, near Bordeaux, on the 17th of July, 1453, and with his death the English dominion

in France came practically to an end. He was succeeded by his second, but eldest surviving son and heir,

VII. John Talbot, Earl of Shrewsbury and Waterford, LORD FURNIVALL, Lord Strange de Blackmere and Lord Talbot, K.G., born 1413. He married firstly Katherine, widow of Sir John Ratcliffe and daughter and coheir of Sir Edward Burnell, son and heir-apparent of Hugh, Lord Burnell, but had no issue by her. He married secondly Lady Elizabeth Butler, daughter of James Butler, Earl of Ormonde. The Earl of Shrewsbury was slain at the Battle of Northampton, the 10th of July, 1460, being succeeded by his son,

VIII. John Talbot, Earl of Shrewsbury, Earl of Waterford, LORD FURNIVALL, Lord Strange de Blackmere and Lord Talbot, born 12th of December, 1448. He married, about 1467, Lady Katharine Stafford, fifth daughter of Humphrey Stafford, Duke of Buckingham. He died the 28th of June, 1473, aged 24, at Coventry, being succeeded by his son,

IX. George Talbot, Earl of Shrewsbury and Earl of Waterford, LORD FURNIVALL, Lord Strange de Blackmere and Lord Talbot, K.G., K.B., born 1468. Under the Act of 28 Henry VIII., relating to Irish absentees, he was held to have forfeited the Earldom of Waterford and all his Irish estates. He married firstly, about 1486, Anne, daughter of William, Lord Hastings, by Lady Katharine Nevill, daughter of Richard Nevill, Earl of Salisbury, and sister of Richard, Earl of Salisbury and Warwick, "The King Maker." He married a second time, but died the 26th of July, 1538, and was succeeded by his second but eldest surviving son,

X. Francis Talbot, Earl of Shrewsbury, LORD FURNIVALL, Lord Strange de Blackmere, and Lord Talbot, K.G. He was born 1500, and, *vitâ patris*, was summoned to Parliament in his father's Barony of Talbot. He married firstly, before December, 1523, Mary, daughter of Thomas Dacre, Lord Dacre de Gillesland, by whom he had issue. He married a second time, but died the 21st of September, 1560, being succeeded by his eldest and only surviving son,

XI. George Talbot, Earl of Shrewsbury, LORD FURNIVALL, Lord Strange de Blackmere, and Lord Talbot, K.G., K.B., and Earl-Marshal. He was born before 1528, and was summoned to the House of Lords, *vitâ patris*, as Lord Talbot. He was for many years the custodian of Mary, Queen of Scots. He married firstly, about 1548, Lady Gertrude Manners, eldest daughter of Thomas Manners, Earl of Rutland. He married secondly, the 9th of February, 1567-68, Elizabeth, the notorious "Bess of Hardwicke," fourth daughter and coheir of John Hardwicke, of Hardwicke, Co. Derby, and widow successively of Robert Barley, of Barley, Co. Derby, of Sir William Cavendish, and of Sir William St. Loe. The Earl died the 18th of November, 1590, and was succeeded by his second but eldest surviving son, by his first wife,

XII. Gilbert Talbot, Earl of Shrewsbury, LORD FURNIVALL, Lord Strange de Blackmere, and Lord Talbot, K.G., born the 20th of November, 1552. He was summoned to Parliament, *vitâ patris*, as Lord Talbot. He married, the 9th of February, 1567-68 (the same day that his father married the mother of his bride), Mary, daughter of Sir William Cavendish, of Chatsworth, and sister of William, first Earl of Devonshire. He died without surviving male issue on the 8th of May, 1616, when the Earldom of Shrewsbury passed to his brother, but the Baronies of Furnivall, Strange de Blackmere, and Talbot, fell into abeyance between his three daughters and coheirs. These were (1) Mary, who married, 1604, William Herbert, Earl of Pembroke, who died without issue in 1630, his wife having predeceased him. (2) Elizabeth, who married Henry Grey, Earl of Kent, and died without issue as his widow in December, 1651. (3) Alatheia, who married, September, 1606, Thomas Howard, Earl of Arundel, Surrey, and Norfolk (see page 839), who died 1646. At the death of the Countess of Kent in December, 1651, Alatheia, the youngest daughter, became sole heir of her father, and the abeyance therefore came to an end. Consequently,

XIII. Alatheia (then Dowager), Countess of Arundel, Surrey, and Norfolk, became, *suo jure*, BARONESS FURNIVALL, Baroness Strange de Blackmere, and Baroness Talbot. She died the 24th of May, 1654, being succeeded by her grandson,

XIV. Thomas Howard, Duke of Norfolk, Earl of Arundel, Surrey, and Norfolk, &c., Lord Mowbray, Lord Segrave, Lord Howard, LORD FURNIVALL, Lord Strange de Blackmere, and Lord Talbot (see page 842). He was born 1627, and died unmarried 1677, being succeeded by his brother,



XV. Henry Howard, Duke of Norfolk, &c. (see page 844), Lord Mowbray, Segrave, and Howard, LORD FURNIVALL, Strange de Blackmere, and Talbot. He was born 1628, and died the 11th of January, 1683-84, being succeeded by his son,

XVI. Henry Howard, Duke of Norfolk, &c. (see page 845), Lord Mowbray, Segrave, and Howard, LORD FURNIVALL, Strange de Blackmere, and Talbot. He was born 1653-54, but died without issue 1701, being succeeded by his nephew.

XVII. Thomas Howard, Duke of Norfolk, &c. (see page 847), Lord Mowbray, Segrave, and Howard, LORD FURNIVALL, Strange de Blackmere, and Talbot. He was born 1683, but died without issue 1732, being succeeded by his brother,

XVIII. Edward Howard, Duke of Norfolk, &c. (see page 848), Lord Mowbray, Segrave, and Howard, LORD FURNIVALL, Strange de Blackmere, and Talbot. He was born 1686, was married, but died without issue 1777, when the Baronies of Furnivall, Strange de Blackmere, and Talbot, together with the Baronies of Mowbray, Segrave, and Howard, fell into abeyance. The three Baronies of Furnivall, Strange de Blackmere, and Talbot have since remained in abeyance.

The coheirs in 1777 were Charles Philip, afterwards Lord Stourton (son and heir of Winifred, Lady Stourton, daughter of Philip Howard, of Buckenham), and Ann, Lady Petre, half-sister of Winifred, Lady Stourton.

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The present (1898) coheirs are Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, and Bernard Henry Philip, Lord Petre, each possessing an entire moiety of the Barony of Furnivall, presently in abeyance between them.



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THE BARONY OF STRANGE DE BLACKMERE,  
PRESENTLY IN ABEYANCE.

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FULK LE STRANGE,  
LORD STRANGE, IN THE PEERAGE OF ENGLAND,  
SUMMONED TO PARLIAMENT BY WRIT,  
THE 13TH OF JANUARY, 1308-9.





*The Arms of Le Strange, namely, "Gules, two lions passant in pale argent."*

I. Fulk le Strange, of Blackmere, in Whitchurch, Co. Salop, the second son of Robert le Strange, of Whitchurch, by Eleanor, one of the four sisters and co-heirs of William de Blanchminster (otherwise Whitchurch), of Whitchurch, was born about 1267, and in 1289 succeeded his elder brother John. He was summoned to Parliament as a Baron from the 13th of January, 1308-9, 2nd of Edward II., to the 13th of September, 1324, 16th of Edward II., by Writs directed "Fulconi Le Strange," and by virtue thereof became LORD STRANGE. He married Eleanor, daughter and coheir of John Giffard, of Brimsfield, and by virtue of this marriage a coheirship to the Barony of Giffard de Brymsfield in 1322 devolved upon the Le Strange family. He died in the year 1324, being succeeded by his son,

II. John le Strange, LORD STRANGE DE BLACKMERE, aged 18 at his father's death. He was Governor of Conway Castle in 1330. His later Writs of Summons were directed to "Johanni Le Strange de Blackmere," hence the more familiar designation of the Peerage. He married Ankaret, sister and heir of Edward, and daughter of William Boteler, of Wem, Co. Salop. He died 1349, being succeeded by his eldest son,

III. Fulk le Strange, LORD STRANGE DE BLACKMERE, who was aged 19 at his father's death. He was never summoned to Parliament, and, though married, he died without issue and under age in September, 1349, being succeeded by his brother,

IV. John le Strange, LORD STRANGE DE BLACKMERE, aged 17 at his succession. He married Mary, daughter of Richard FitzAlan, Earl of Arundel, and died the 12th of May, 1361, being succeeded by his only son,

V. John le Strange, LORD STRANGE DE BLACKMERE, born about 1354. He married Isabel, fifth daughter of Thomas Beauchamp, Earl of Warwick, but died whilst a minor, and without male issue, the 3rd of August, 1375, being succeeded by his only child,

VI. Elizabeth (le Strange), *suo jure* BARONESS STRANGE DE BLACKMERE, aged one year at her father's death. She married, 1382-83, Thomas de Mowbray (see page 785), then Earl of Nottingham, but subsequently Duke of Norfolk. In her 10th year, and a few months after her marriage, she died, without issue, the 23rd of August, 1383, being succeeded by her aunt,

VII. Ankaret (le Strange), *suo jure* BARONESS STRANGE DE BLACKMERE, only sister of John, fifth Lord Strange de Blackmere. She was aged 22 at the death of her niece, and was then the wife of Sir Richard Talbot, who was, apparently, *jure uxoris*, summoned to Parliament in her Barony by Writs directed to "Ricardo Talbot de Blackmere." After the death of his father, in 1387, he was summoned to Parliament in his father's Barony as Lord Talbot de Godricke Castell. His widow, the Baroness, married secondly Thomas Neville, Lord Furnivall (see page 899), and died on Ascension Day, in the year 1413, being succeeded by her son,

VIII. Gilbert Talbot, Lord Talbot and LORD STRANGE DE BLACKMERE, born about 1383. He was summoned to Parliament as Lord Talbot. He married a Portuguese lady, as to whose surname there is no great certainty of record. He died, without male issue, in 1419, and was succeeded by his only daughter,

IX. Ankaret Talbot, *suo jure* BARONESS STRANGE DE BLACKMERE and Baroness Talbot. She was of the age of 2 years at her father's death, and died two years later, in 1421, being succeeded by her uncle,

X. John Talbot, Earl of Shrewsbury and Waterford, Lord Furnivall, LORD

STRANGE DE BLACKMERE, and Lord Talbot (see page 900). He died in the year 1453, being succeeded by

XI. John Talbot, Earl of Shrewsbury, &c., LORD STRANGE DE BLACKMERE, &c. (see page 901), who died 1460, being succeeded by his son,

XII. John Talbot, Earl of Shrewsbury, &c., LORD STRANGE DE BLACKMERE, &c. (see page 901), who died 1473, being succeeded by his son,

XIII. George Talbot, Earl of Shrewsbury, &c., LORD STRANGE DE BLACKMERE, &c., K.G. (see page 901), who died 1538, being succeeded by

XIV. Francis Talbot, Earl of Shrewsbury, &c., LORD STRANGE DE BLACKMERE, &c. (see page 901), who died 1560, being succeeded by his son,

XV. George Talbot, Earl of Shrewsbury, &c., LORD STRANGE DE BLACKMERE, &c. (see page 902), who died 1590, being succeeded by his son,

XVI. Gilbert Talbot, Earl of Shrewsbury, &c., LORD STRANGE DE BLACKMERE, &c. (see page 902), who died 1616, when the Barony of Strange de Blackmere, with others, fell into abeyance (see page 902) between his three daughters, and so remained until the youngest, becoming, in 1651, sole heir, succeeded as

XVII. Alatheia Talbot, *suo jure* BARONESS STRANGE DE BLACKMERE, &c., Countess of Arundel, Surrey and Norfolk (see pages 839 and 902). She died 1654, being succeeded by her grandson,

XVIII. Thomas Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., LORD STRANGE DE BLACKMERE, &c. (see page 842), who died 1677, being succeeded by his brother,



XIX. Henry Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., LORD STRANGE DE BLACKMERE, &c. (see page 844), who died 1683-84, being succeeded by his son,

XX. Henry Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., LORD STRANGE DE BLACKMERE, &c. (see page 845), who died without issue 1701, being succeeded by his nephew,

XXI. Thomas Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., LORD STRANGE DE BLACKMERE, &c., (see page 847), who died without issue 1732, being succeeded by his brother,

XXII. Edward Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., LORD STRANGE DE BLACKMERE, &c. (see page 848), who died without issue 1777, when all his Baronies in fee fell into abeyance, and the Barony of Strange de Blackmere has since so continued.

The coheirs in 1777 were Charles Philip, afterwards Lord Stourton (son and heir of Winifred, Lady Stourton, daughter of Philip Howard, of Buckenham), and Ann, Lady Petre, half-sister of Winifred, Lady Stourton.

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The present (1898) coheirs are Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, and Bernard Henry Philip, Lord Petre, each possessing an entire moiety of the Barony of Strange de Blackmere, presently in abeyance between them.

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THE BARONY OF TALBOT,

PRESENTLY IN ABEYANCE.

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SIR GILBERT TALBOT,

LORD TALBOT, IN THE PEERAGE OF ENGLAND,

SUMMONED TO PARLIAMENT BY WRIT,

THE 5TH OF JUNE, 1331.





*The Arms of Talbot, namely, "Gules, a lion rampant within a bordure engrailed or."*

I. Sir Gilbert Talbot, of Eccleswall and Linton, Co. Hereford, and of Longhope, Co. Gloucester, was born about the year 1277, and was the son and heir of Richard Talbot. Concerning this Richard Talbot, Nicolas remarks that though never summoned to Parliament, it is evident, from his being present at the Parliament held at Lincoln in 1301 (29th of Edward I.), and signing the letter to the Pope as "Richardus Talebot, Dominus de Eekleswell," that he ranked among the Barons of his time. Richard Talbot was son and heir of an earlier Gilbert Talbot, by Gwendoline, daughter, and finally heir of Rhys ap Griffith, Prince of South Wales. Sir Gilbert Talbot first-mentioned succeeded his father in 1306, being then aged 29. He was pardoned for being implicated in the murder of Piers Gaveston, in 1314, and was Governor of Gloucester Castle 1323. He joined the insurrection of the Earl of Lancaster against the Despensers, and he was heavily fined for so doing. He was a Knight Banneret before 1327, and was appointed Justice of South Wales in 1330. He was summoned to Parliament as a Baron by Writs dated the 5th of June, 1331, 4th of Edward III., to the 20th of April, 1343, 17th of Edward III., and directed to "Gilb'to Talbot," and there is proof of his sitting in the Rolls of Parliament. He died 1346 (20th of Edward III.), being succeeded by his son and heir,

II. Richard Talbot, LORD TALBOT, who was probably born about 1302. He was summoned to Parliament *vitâ patris* as Lord Talbot, by Writs dated from the 5th of June, 1331, 4th of Edward III., to the 22nd of October, 1335, 29th of Edward III. His principal place of residence was Goodrich Castle, which he obtained through his

wife Elizabeth, second and youngest daughter and coheir of John Comyn, of Badenoch, by Joan his wife, daughter of William de Valence, Earl of Pembroke, Seigneur de Valence, Montignac, Bellac, Rancon, and Champagnac, uterine brother of King Henry III., and sister (and in her issue co-heir) of Aymer de Valence, Earl of Pembroke. Lord Talbot, in 1331, claimed, in right of his wife, certain Scottish estates, and adhering to Edward Baliol, invaded that kingdom, gaining a victory over the Scots at Gleddestmore. Three years later, however, he was taken prisoner, and had to pay 2,000 marks for his redemption. He was Governor of Berwick and of all other the King's lands in Scotland in 1336. He died the 23rd of October, 1356, 30th of Edward III., being succeeded by his son and heir,

III. Gilbert Talbot, LORD TALBOT, born about the year 1332. He fought in the wars with France under the Black Prince. He married firstly, before 1361, Petronilla, daughter of James Butler, Earl of Ormonde (by Eleanor, daughter of Humphrey Bohun, Earl of Hereford, and his wife, the Lady Elizabeth Plantagenet, daughter of King Edward I.). He married secondly Joane, daughter of Ralph Stafford, Earl of Stafford, and died the 24th of April, 1387, 10th of Richard II., being succeeded by his son (by his first wife) and heir,

IV. Richard Talbot, LORD TALBOT, born about 1361. He married, before 1383, Ankaret, *suo jure* Baroness Strange de Blackmere, only daughter and sole heir of John le Strange, Lord Strange de Blackmere (see page 908). Richard Talbot was, *vitâ patris*, summoned to Parliament, in his wife's Barony, by Writ dated 3rd of March, 1383-84, 7th of Richard II. to 17th December, 1387, by Writs directed "Ricardo Talbot de Blackmere," which Writs (owing to their faulty direction) may *possibly* be held to have created a new Barony, namely, Talbot of Blackmere. Though his father had then been dead some months, the List of the Writs of 17th of December contains two entries, viz., "Ricardo Talbot de Goderich Castell" (hence the original Barony of Talbot has been sometimes referred to as "Talbot de Goderich Castell"), and "Ricardo Talbot de Blackmere." The Christian names prove that both the Writs relate to the same person, which leaves the matter somewhat of a mystery. He was succeeded by his son and heir,

V. Gilbert Talbot, LORD TALBOT and Lord Strange de Blackmere (see page 908), born about 1383 and died 1419, being succeeded by his only child and heir,

VI. Ankaret Talbot, *suo jure* Baroness Strange de Blackmere and BARONESS TALBOT (see page 908). She died 1421, being succeeded by her uncle and heir,

VII. John Talbot, Earl of Shrewsbury, &c., Lord Strange de Blackmere, and LORD TALBOT, and *jure uxoris* Lord Furnivall (see page 900). The Barony of Talbot from this point devolves, together with the Baronies of Furnivall and Strange de Blackmere, with which it had become united, as follows,

VIII. John Talbot, Earl of Shrewsbury, &c., and LORD TALBOT (see page 901), died 1460.

IX. John Talbot, Earl of Shrewsbury, &c., and LORD TALBOT (see page 901), died 1473.

X. George Talbot, Earl of Shrewsbury, &c., and LORD TALBOT (see page 901), died 1538.

XI. Francis Talbot, Earl of Shrewsbury, &c., and LORD TALBOT (see page 901), died 1560.

XII. George Talbot, Earl of Shrewsbury, &c., and LORD TALBOT (see page 901), died 1590.

XIII. Gilbert Talbot, Earl of Shrewsbury, &c., and LORD TALBOT (see page 902). He died without surviving male issue 1616, when the Barony of Talbot (with his other Baronies in fee) fell into abeyance between his daughters and co-heirs (see page 902) until, in 1651, they eventually vested in his youngest daughter and sole heir,

XIV. Alatheia Talbot (then Dowager), Countess of Arundel, and Surrey, and Norfolk, *suo jure* Baroness Furnivall, Baroness Strange de Blackmere, and BARONESS TALBOT (see pages 839 and 902). She died 1654, being succeeded by her grandson.

XV. Thomas Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., and LORD TALBOT (see page 842), died 1677.

XVI. Henry Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., and LORD TALBOT (see page 844), died 1683-84.

XVII. Henry Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., and LORD TALBOT (see page 845), died 1701.

XVIII. Thomas Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., and LORD TALBOT (see page 847), died 1732.

XIX. Edward Howard, Duke of Norfolk, &c., Lord Mowbray, Lord Segrave, &c., and LORD TALBOT (see page 848), died 1777, when all his Baronies in fee fell into abeyance, and the Barony of Talbot has since so continued.

The co-heirs in 1777 were Charles Philip, afterwards Lord Stourton (son and heir of Winifred, Lady Stourton, daughter of Philip Howard of Buckenham), and Ann, Lady Petre, half-sister of Winifred, Lady Stourton.

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The present (1898) co-heirs are Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, and Bernard Henry Philip, Lord Petre, each possessing an entire moiety of the Barony of Talbot, presently in abeyance between them.



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THE BARONY OF HOWARD,

PRESENTLY IN ABEYANCE.

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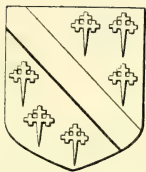
SIR JOHN HOWARD,

LORD HOWARD, IN THE PEERAGE OF ENGLAND,

SUMMONED TO PARLIAMENT BY WRIT,

THE 15TH OF OCTOBER, 1470.





*The Arms of Howard, namely, "Gules, a bend between six cross crosslets fitchée argent."*

I. SIR JOHN HOWARD, son and heir of Sir Robert Howard, of Stoke Neyland, Co. Suffolk, was summoned to Parliament as a Baron "by Writ," dated the 15th of October, 1470, and directed to "Johanni Howard de Howard Militi," thereby being created LORD HOWARD. He was subsequently created Duke of Norfolk, and the abeyance of the Baronies of Mowbray and Segrave was determined in his favour as senior co-heir of the House of Mowbray, as detailed on pages 824 and 825. He was killed at the Battle of Bosworth, on the 22nd of August, 1485, being subsequently attainted in the November following. Now, there has been no *specific* restoration of the Barony of Howard since that date, and in consequence some writers have alleged that the Barony of Howard then came to an end by its forfeiture, and has never since been revived. But since the 28th of June, 1483, the Barony has always uninterruptedly been overshadowed by other Peerage Dignities of considerably higher rank or precedence, and consequently no occasion has arisen in which official adjudication concerning it has been necessary or expedient. But the opinion that it is still remaining under the forfeiture of 1485 seems untenable. The Baronies of Mowbray, Segrave, and Howard having become united, must inseparably have been, each and all, equally and identically affected in every case by the many subsequent restorations and forfeitures which made up "the luck of the Howards" in the centuries which followed. The Act of Parliament of 1604 affords very definite and conclusive evidence that some (more than one) Baronies were of right and undoubtedly at some time vested in the person of Thomas Howard, Duke of Norfolk (born 1536; executed 1572). That the Act was evidence of this was fully admitted at the hearing of Lord Stourton's Petition. Now, whatever Baronial rights

this Duke may have possessed were in his person and line of descent absolutely inseparable, and the three Baronies of Mowbray, Segrave, and Howard must stand or fall together upon the point of forfeiture and restoration. It has been established before the Committee of Privileges of the House of Lords, and admitted by the House, from whose decisions there is no Appeal, that both the Baronies of Mowbray and Segrave were revived, and subsequently survived, and as the three were until 1777 inseparable, the Barony of Howard must also have been revived. Consequently any alternative other than that adopted herein concerning the Baronies of Mowbray and Segrave seems quite untenable. The descent of the Barony of Howard, therefore, is similarly as follows :

II. Thomas Howard, Duke of Norfolk, &c., Lord Mowbray, Segrave, and HOWARD (see pages 826 and 827), undoubtedly had inherited these dignities from the death of his father, on August the 22nd, 1485, until the attainder of both his father and himself in the November following. Whether he himself again possessed the three Baronies before his death is a matter of considerable uncertainty (see pages 827 and 828), but there can be no doubt they were inherited by his son,

III. Thomas Howard, Duke of Norfolk, &c., Lord Mowbray, Segrave, and HOWARD (see pages 831 to 834); born 1473; died 1554. From this point the succession is :

IV. Thomas Howard, Duke of Norfolk, &c., Lord Mowbray, Segrave, and HOWARD (see pages 835 and 836); born 1536; executed 1572.

V. Thomas Howard, Earl of Arundel, Surrey, and Norfolk, Lord Mowbray, Segrave, and HOWARD, &c. (see pages 837 to 839); born 1585; died 1646.

VI. Henry Frederick Howard, Earl of Arundel, Surrey, and Norfolk, Lord Mowbray, Segrave, and HOWARD, &c. (see pages 840 and 841); born 1608; died 1652.

VII. Thomas Howard, Duke of Norfolk, &c., Lord Mowbray, Segrave, and HOWARD, &c. (see pages 842 and 843); born 1627; died 1677.

VIII. Henry Howard, Duke of Norfolk, &c., Lord Mowbray, Segrave, and HOWARD, &c. (see page 844); born 1628; died 1683-84.

IX. Henry Howard, Duke of Norfolk, &c., Lord Mowbray, Segrave, and HOWARD, &c. (see pages 845 and 846); born 1653-54; died 1701.

X. Thomas Howard, Duke of Norfolk, &c., Lord Mowbray, Segrave, and HOWARD, &c. (see page 847); born 1683; died 1732.

XI. Edward Howard, Duke of Norfolk, &c., Lord Mowbray, Segrave, and HOWARD, &c. (see page 848); born 1686; died 1777, when all his Baronies in fee fell into abeyance, and the Barony of Howard has since so continued.

The co-heirs in 1777 were Charles Philip, afterwards Lord Stourton (son and heir of Winifred, Lady Stourton, daughter of Philip Howard of Buckenham), and Ann, Lady Petre, half-sister of Winifred, Lady Stourton.

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The present (1898) co-heirs are Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, and Bernard Henry Philip, Lord Petre, each possessing an entire moiety of the Barony of Howard, presently in abeyance between them.



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THE BARONY OF DACRE OF GILLESLAND,

PRESENTLY IN ABEYANCE.

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HUMPHREY DACRE,

LORD DACRE OF GILLESLAND, IN THE PEERAGE OF ENGLAND,

SUMMONED TO PARLIAMENT BY WRIT,

THE 15TH OF NOVEMBER, 1482.







*The Arms of Dacre, namely, "Gules, three escallops argent."*

Concerning the Barony of Dacre of Gillesland there have been two formal decisions, absolutely in contradiction one with the other, as will presently be seen. The first was an award of King Edward IV., the second a decision by Commissioners formally appointed to consider the matter. The utter variance of the two decisions makes it a matter of grave difficulty to come to any definite conclusion upon the matter. The following version, though put forward with some reserve, seems to be the more correct one. It is certainly in accordance with the later and apparently the more correct of the two decisions :

Ralph Dacre, of Dacre and of Gillesland, Co. Cumberland, married in 1317 Margaret, *suo jure* Baroness Multon de Gillesland, only daughter and heir of Thomas de Multon, Lord Multon de Gillesland, and was summoned to Parliament as a Baron by Writ, directed "Ranulpho de Dacre," and bearing date the 15th of May, 1321, 14th of Edward II. He was thereby created Lord Dacre. This is the original Barony of Dacre, which is now vested in Henry Bouverie William (Brand), Viscount Hampden, of Glynde, twenty-third Lord Dacre, and apparently also Lord Multon de Gillesland, though this Barony has been usually overlooked. The Writs of Thomas, sixth Lord Dacre, were addressed to him as "Thomæ de Dacre de Gillesland." He died the 15th of January, 1457-58, having had issue (by his wife Philippa, daughter of Ralph Nevill, Earl of Westmorland) three sons : (1) Sir Thomas Dacre, eldest son and heir-apparent ; (2) Ralph Dacre ; (3) Humphrey Dacre. Sir Thomas Dacre, the eldest son, died in the lifetime of his father, leaving an only daughter and heir, Joan. Consequently Joan was heir general of her grandfather at his death, and in

her own right Baroness Dacre. Thomas, Lord Dacre, had entailed his lands, however, upon his heir male. Joan, Lady Dacre, married before her grandfather's death Sir Richard Fiennes, and a few months after the death of Thomas, Lord Dacre, Sir Richard Fiennes by patent dated the 7th of November, 1458, 37th of Henry VI., was declared to be Lord Dacre, and was summoned to Parliament by Writ dated the 9th of October, 1459, 38th of Henry VI., and directed to "Richardo Fenys Domino de Dacre Militi." He continued subsequently to be so summoned (presumably *jure uxoris*), for Sir Richard himself had no Dacre blood. Consequently there can be no doubt that the ancient Barony of Dacre properly descended, and was then considered to have properly descended, to the heir general. By virtue of the entail, however, Ralph, the second son, and heir male, succeeded to the estates under the deed of entail, and on the 9th of October, 1459, 38th of Henry VI. (the same date as the Writ to Sir Richard Fiennes as "Lord Dacre"), Ralph Dacre was summoned to Parliament by Writ directed to "Ranulpho Dacre de Gillesland Chl'r," being thereby created Lord Dacre of Gillesland. The description "de Gillesland," which had also been previously added to his father's Writs, has led many to consider that Ralph inherited his father's peerage. This is incorrect, for the addition in the case of Ralph was probably due to the necessity of some addition for the purpose of distinction between the holder of the original Barony of Dacre (Sir Richard Fiennes) and himself. Therefore for this addition his own territorial description "de Gillesland" was added. Ralph, Lord Dacre, died unmarried, being slain at the Battle of Towton, the 29th of March, 1461, when his own peerage became extinct. He was subsequently attainted by Act of Parliament the 4th of November following. This attainder included his next brother and heir, Humphrey Dacre, the third son of Thomas, Lord Dacre. The attainder was, however, reversed the 8th of February, 1473, and this reversal apparently made him (as heir male), under his father's deed of entail, heir to his father's lands. A dispute at once ensued between Humphrey, the heir *male* of his father, and his niece Joan, the heir *general*. Both parties having agreed in a bond of 10,000 marks to abide by the King's arbitrament, an award, dated the 8th of April, 1473, was made under the *Privy* Seal. This award was peculiar. The lands of the late Lord Dacre (with a trivial exception) were awarded to the heir male (Humphrey Dacre), with a remainder, failing heirs male, to the heirs general. With regard to the peerage, the award was that the said "Sir Richard Fenys," in right of Joan, his wife, and the heirs of her body, "be repute, had, named and called the Lord Dacre," and "keep, have and use the same seat and place in everie of our Parls. as the said Thomas Dacre, Knt., late Lord Dacre, had used and kept," and "that the said Humphrey Dacre, Knight, and the heirs male of the body of the said Thomas, late Lord Dacre coming, be reputed, had, named, and called the Lord Dacre of Gillesland,"

and "have use, and keep the place in our Parls. next adjoining beneath the said place, that the said Richard Fenys, Knt., Lord Dacre now hath and occupieth"; and apparently the intention of the King was to adjudge or allot to Humphrey Dacre a Barony in tail male. This opinion is accepted by the well-known writer Townsend, and apparently also by Banks. But there are definite limits to the powers of a constitutional Sovereign. Though a Sovereign can determine the abeyance of a Barony in the person of any co-heir, senior or junior, and by any kind of instrument, a Sovereign cannot deprive a person possessed of a peerage of that peerage, so that no previously existing Barony of Dacre could have been adjudged to Humphrey. Consequently the Award has to be considered as issued with the intention of being a creation of a new Barony of Dacre. On this point Courthope remarks: "Dignities, unless originating by writ or by Act of Parl., are created by Letters Patent under the *Great Seal*, and as the *award* is stated to have been under the *King's Privy Seal* only, it may with great propriety be argued that it was not a *Patent of Creation*, and hence that, notwithstanding the express declaration of the intentions of the Crown therein, it cannot be considered to operate, in the absence of a regular patent of creation, against the dignity being deemed to have originated in the earliest writ of summons to Humphrey Dacre extant, that of 15 Nov., 22 Ed. IV, 1482." This supposition is in conformity with the later award of the Commissioners in 1569, to which reference will be made presently. In consequence of this award, the said

I. Sir Humphrey Dacre was summoned to Parliament by Writ dated the 15th of November (1482), 22nd of Edward IV., directed to "Humfrido Dacres de Gillesland," and to this Writ, there can be little doubt, the creation of the Barony of Dacre of Gillesland must be referred. LORD DACRE OF GILLESLAND married Maud, daughter of Sir Thomas Parr, of Kendal, and died in 1485, being succeeded by his son and heir,

II. Thomas Dacre, LORD DACRE OF GILLESLAND, K.G., whose Writs of Summons were directed to "Thomæ Dacre de Dacre." He was at the siege of Norham Castle, 1494, and distinguished himself at the Battle of Flodden. He married Elizabeth, *suo jure* Baroness Greystock, daughter and sole heir of Sir Robert Greystock (who died *v.p.* 1483, being son and heir-apparent of Ralph, Lord Greystock), by Elizabeth, daughter of Edmund Grey, Earl of Kent, and grand-daughter and heir of the said Lord Greystock. Lord Dacre died the 24th of October, 1525, being succeeded by his son.

III. William Dacre, LORD DACRE OF GILLESLAND, and Lord Greystock. His various Writs of Summons afford a variety of description which is probably unique. The earliest was to "Willielmo Dacre de Dacre and Greystok," the termination varying to "de Gillesland," "of Greystok," and "de North." These Lords Dacre appear to have been generally known as "Dacre of the North," to distinguish them from the other Lords Dacre, who, being resident in Sussex and Kent, were generally known as "Dacre of the South." He married Elizabeth, fifth daughter of George Talbot, fourth Earl of Shrewsbury, and died the 12th of November, 1563, being succeeded by his son,

IV. Thomas Dacre, LORD DACRE OF GILLESLAND, and Lord Greystock, who was never summoned to Parliament. He married, firstly, Elizabeth, daughter of Ralph Nevill, fourth Earl of Westmorland, who died without issue. Lord Dacre married secondly Elizabeth, second daughter of Sir James Leyburne. After the death of her husband, she married, as his third wife (see page 836), Thomas Howard, Duke of Norfolk, &c., who was executed in 1572. Lord Dacre died the 1st of July, 1566, being succeeded by his son and heir,

V. George Dacre, LORD DACRE OF GILLESLAND and Lord Greystock, who was aged 5 years at the date of his father's death. Astounding as it may seem, he was (though described as "*infra ætatem*") summoned to Parliament the 30th of September, 1566, 8th of Elizabeth. He died from an accident at Thetford, Co. Norfolk, the 17th of May, 1569, aged 8 years, leaving his three sisters as his co-heirs. At the death of Lord Dacre, the Barony of Dacre was assumed by his uncle and heir male, Leonard Dacre. The nature of the peerage was called into question. The Earl-Marshal, being stepfather and guardian of the three sisters and co-heirs of the last Lord Dacre, requested, in order to avoid suspicion of favour, that Commissioners should be appointed to decide the matter. The Commissioners in their own award make no allusion to the award of King Edward IV. (as detailed hereinbefore). It was perhaps unknown at that time, as the counsel for the heir male (Leonard Dacre) made no reference to it, putting forward another plea, which would now be considered absurd, besides being both faulty and unproved. The award of the Commissioners was that the Barony of Dacre of Gillesland was a Barony by Writ, originating in the 13th of Edward IV., and, having been created by Writ, was heritable by the heirs general, and consequently then in abeyance between the three sisters and co-heirs of the last Lord Dacre. Unfortunately for the Award, no Writ of 13th Edward IV. exists,

inasmuch as no Parliament was summoned between the 12th and 22nd years of the reign of Edward IV. The Writ to which we have herein referred the creation of the Barony is that of the 22nd Edward IV., the first Writ that Humphrey, Lord Dacre, received. The curious part of the award is undoubtedly the fact that 13th Edward IV., the date the Commissioners assigned the creation of the Barony to, is the date of King Edward IV.'s award or creation to the heirs *male*. However, according to the Award of the Commissioners, the Barony fell into abeyance between the three sisters of the last Lord Dacre, namely, Ann, Mary and Elizabeth. They were the wards and step-daughters of Thomas, Duke of Norfolk, who married them to his three sons. Ann, the eldest, married, in 1571 (see page 836), Philip Howard, Earl of Arundel; Mary, the second daughter, married Thomas Howard, afterwards Earl of Suffolk, but died without issue; whilst Elizabeth married Lord William Howard. The abeyance was thus vested eventually in Ann, the eldest, and Elizabeth, the youngest, daughters, and has since so remained with their respective heirs. The senior co-heirship devolved upon the line of the Dukes of Norfolk (see pages 837,&c.) until 1777, when it became divided between the two co-heirs of the House of Howard. The junior co-heirship followed the line of the Earls of Carlisle.

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The present (1898) co-heirs are Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, and Bernard Henry Philip, Lord Petre, each possessing one-fourth of the Barony, and George James, Earl of Carlisle, who possesses an undivided moiety of the Barony of Dacre of Gillesland, presently in abeyance between the three above-mentioned Peers.





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THE BARONY OF GREYSTOCK,

PRESENTLY IN ABEYANCE.

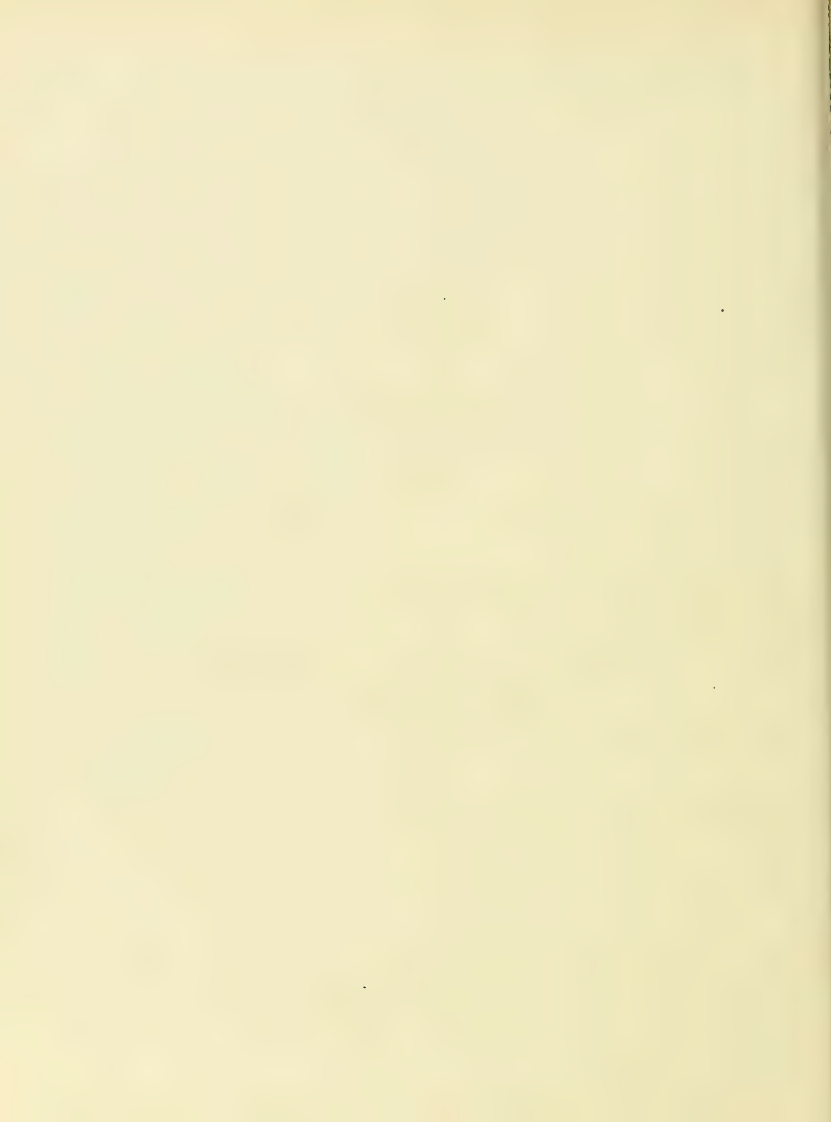
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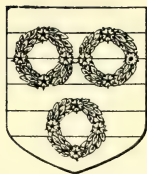
RALPH FITZWILLIAM,

LORD FITZWILLIAM, IN THE PEERAGE OF ENGLAND  
(*the designation of the Peerage being subsequently changed*),

SUMMONED TO PARLIAMENT BY WRIT,

THE 24TH OF JUNE, 1295.





*The Arms of Greystock, namely, "Barry of six argent and azure, three chaplets gules."*

I. Ralph FitzWilliam of Grimthorpe, Co. York, second son of William Fitz-Ralph, of Grimthorpe aforesaid, by Joane, paternal aunt of John de Greystock, Lord Greystock, and daughter of Thomas de Greystock of Greystock, Co. Cumberland, succeeded his elder brother, Geoffrey FitzWilliam, in 1296. He was summoned to Parliament as a Baron (LORD FITZWILLIAM) by Writ dated the 24th of June, 1295, 23rd of Edward I., directed to "Rado fil Willi." In 1306 he succeeded to the Lands of Greystock under a most improper settlement made in 1299 by his cousin, Lord Greystock. He married, 10th of Edward I., Margaret, widow of Nicholas Corbet, and daughter and co-heir of Sir Hugh de Bolebek, of Bolebek, Co. Northumberland. Lord FitzWilliam died at a great age in November, 1315, and was succeeded by his second, but eldest surviving son and heir,

II. Robert FitzWilliam, of Greystock, LORD FITZWILLIAM, who, however, was never summoned to Parliament. He married Elizabeth, daughter of Ralph Nevill, of Scotton, Co. Lincoln, and died in the 10th year of Edward II., being succeeded by his son and heir,

III. Ralph FitzWilliam (afterwards de Greystock), LORD FITZWILLIAM (afterwards LORD GREYSTOCK). Having assumed the surname of de Greystock, his Writs of Summons were directed "Rado de Greystock" (Lord Greystock). He married, by Papal Dispensation, 12th of Edward II., Alice, daughter of Hugh Audley, Lord

Audley, and sister of Hugh, Earl of Gloucester. Lord Greystock died from poison the 13th of July, 1323, and was succeeded by his infant son and heir,

IV. William de Greystock, LORD GREYSTOCK, who was aged 3 at the date of his father's death. His later Writs of Summons were directed to "Willielmo, Baroni de Graystok." The peculiarity, which is almost unique, of the insertion of the word "Baron" had previously occurred in the Writs of John de Greystock, the Lord Greystock of the original line. On this point Courthope remarks: "Two instances occur in which the word *Baron* was applied in early writs to names in writs of summons, but this addition was always confined to the families of Stafford and Greystock, who are frequently styled 'Edm'o, Baroni Stafford,' or 'Edm'o, Baroni de Stafford,' and 'Joh'i, Baroni de Greystock,' but for what reason they were so distinguished has never been ascertained." Lord Greystock married firstly Lucy, daughter of Lord Lucy, whom he repudiated, and who died without issue. He married secondly Joane, daughter of Henry FitzHugh, Lord FitzHugh, and died abroad the 20th of July, 1358, being succeeded by his son and heir,

V. Ralph de Greystock, LORD GREYSTOCK. In June, 1379, he was taken prisoner by the Scots, being ransomed for 3,000 marks. He married Katharine, daughter of Roger de Clifford, Lord Clifford, and died the 6th of April, 1417, being succeeded by his son and heir,

VI. John de Greystock, LORD GREYSTOCK, whose Writs of Summons were directed "Johanni Baroni de Greystok Chl'r." He married the 28th of October, 1407, Elizabeth, elder daughter and co-heir of Robert Ferrers, eldest son of Robert, Lord Ferrers, of Wemme. Lord Greystock died the 8th of August, 1436, being succeeded by his son and heir,

VII. Ralph de Greystock, LORD GREYSTOCK, who was summoned to Parliament without interruption during the whole of the period of the Wars of the Roses. He married firstly Elizabeth, daughter of William FitzHugh, 4th Lord FitzHugh, and secondly Elizabeth, daughter of John Tyrrell, but died without surviving male issue, being succeeded by his grand-daughter and heir,

VIII. Elizabeth de Greystock, *suo jure* BARONESS DE GREYSTOCK, daughter and heir of Sir Robert Greystock (who was eldest son and heir-apparent of Ralph, 7th Lord Greystock) by his second wife, Elizabeth, daughter of Edmund Grey, Earl of Kent. She married Thomas, 2nd Lord Dacre, of Gillesland (see page 927). She predeceased her husband, dying the 13th of August, 1516, when she was succeeded by her son, in whose person the Baronies of Dacre of Gillesland and Greystock became united, and continued as under :

IX. William Dacre, LORD DACRE OF GILLESLAND, and Lord Greystock (see page 928). He died 1563.

X. Thomas Dacre, LORD DACRE OF GILLESLAND, and Lord Greystock (see page 928) ; died 1566.

XI. George Dacre, LORD DACRE OF GILLESLAND, and Lord Greystock (see page 928) ; died 1569, when the Barony of Greystock fell into abeyance between his sisters and co-heirs : (1) Ann, who married Philip Howard, Earl of Arundel ; (2) Mary, who married Thomas Howard, afterwards Earl of Suffolk, but died *s.p.* ; (3) Elizabeth, who married Lord William Howard. The abeyance thus eventually vested in the eldest and youngest daughters, and has since so remained with their respective heirs. The senior co-heirship devolved upon the line of the Dukes of Norfolk until 1777, when it became divided between the two co-heirs of the House of Howard. The junior co-heirship followed the line of the Earls of Carlisle.

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The present (1898) co-heirs are Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, and Bernard Henry Philip, Lord Petre, each possessing one-fourth of the Barony, and George James, Earl of Carlisle, who possesses an undivided moiety of the Barony of Greystock, presently in abeyance between the three above-named Peers.



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THE BARONY OF GIFFARD DE BRYMSFIELD,

PRESENTLY IN ABEYANCE.

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JOHN GIFFARD,

LORD GIFFARD DE BRIMMESFELD, IN THE PEERAGE OF ENGLAND,

SUMMONED TO PARLIAMENT BY WRIT,

THE 28TH OF JUNE, 1283.







*The Arms of Giffard, namely, "Gules, three lions passant in pale argent, langued azure."*

I. John Giffard, of Brimsfield, Co. Gloucester, son and heir of Elias Giffard, of the same place, by his wife, Isabella Musard, succeeded his father in the 33rd year of the reign of Henry III., and served in the Welsh Wars of 1256. He was Governor of St. Briavels Castle in 1263. He fought with the Barons at the Battle of Lewes, but against them at the Battle of Evesham. He distinguished himself in 1282 against Llewelyn, Prince of Wales, whom he took prisoner and beheaded. On the 28th of June, 1283, 11th of Edward I., he was summoned to Parliament by Writ, directed to "Joh'i Giffard' de Brimmesfeld," becoming therefore LORD GIFFARD DE BRYMSFIELD, though in his later Writs the words "de Brimmesfeld" are omitted. Amongst the Writs issued on the 26th of January, 25th Edward I., the names of both "Joh'es Giffard" and Osb's Giffard" appear. The name of the latter is not again to be found, and his identity is by no means clear. Lord Giffard de Brymsfield married as his first wife Maud, widow of William de Longespee, and daughter of Walter de Clifford by Margaret, daughter of Llewellyn, Prince of Wales. His second wife was Margaret Nevill. He died the 28th of May, 1299, and was succeeded by his only son and heir,

II. John Giffard, LORD GIFFARD DE BRYMSFIELD, who was called "Le Rych." He was aged 13 at his father's death, and was a Knight of the Bath. He was Constable of the Castles of Glamorgan and Morgannoc. He joined the Earl of Lancaster in his rebellion, and was defeated and taken prisoner at the Battle of Boroughbridge, the 16th of March, 1322, and was hung at Gloucester, being then unmarried. He was

attainted, and consequently his honours were forfeited ; but all proceedings against the Earl of Lancaster *and his adherents* being reversed in the first year of the reign of Edward III., the attainder became inoperative, and the Barony in consequence fell into abeyance between the heirs of his two half-sisters (daughters of the first Lord Giffard by his first marriage). The elder, Katharine, had married Nicholas Audley, her heir in 1327 being her grandson James, Lord Audley. The younger, Eleanor, had married (see page 907) Fulk le Strange, Lord Strange de Blackmere, her heir in 1327 being her son John, Lord Strange de Blackmere (see page 907), the Lords Audley and Le Strange being therefore the two co-heirs, and the Barony has since remained in abeyance between their heirs. The junior co-heirship followed the lines of descent through the families of Le Strange (see pages 907, 908), Talbot (see pages 908, 909), and Howard (see pages 909, 910), until, in 1777, it was divided between the co-heirs of the last-named house. In right of the Talbot representation of the Le Strange family, the Barony of Giffard de Brymsfield has been sometimes assumed by and attributed to the Earls of Shrewsbury, in accordance with a bygone practice by virtue of which co-heirs appear to have frequently assumed Baronies ; but the abeyance of the Barony of Giffard de Brimsfield is not known to have ever been determined, and, according to the accepted laws of Peerage descent, the heirs of the House of Talbot were never more than the junior co-heirs.

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The present (1898) co-heirs are (as to the senior moiety) the heir or heirs of James, Lord Audley, above mentioned ; and (as to the junior moiety) Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, and Bernard Henry Philip, Lord Petre, each possessing one-fourth of the Barony of Giffard de Brymsfield.

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THE BARONY OF BRAOSE,

PRESENTLY IN ABEYANCE.

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WILLIAM DE BRAOSE,

LORD BRAOSE, IN THE PEERAGE OF ENGLAND

SUMMONED TO PARLIAMENT BY WRIT,

THE 28TH OF JUNE, 1283.





*The Arms of Braose, namely, "Azure, semée of cross crosslets and a lion rampant or, armed and langued gules."*

I. William de Braose, a Baron, and feudal Lord of Gower, in Wales, and Brember, Co. Sussex, son and heir of John de Braose, was one of the chief Barons of the Realm, and succeeded his father in 1232. On the 28th of June, 1283, he was summoned to Parliament by Writ directed "Will'o de Breus." (Writs were directed on the same date to "Joh'i de Breus" and "Ric'o de Breus'.") He therefore became LORD BRAOSE. He died in the year 1290, being succeeded by his son and heir by his first wife, Alina, daughter of Thomas de Multon of Gillesland,

II. William de Braose, LORD BRAOSE, or, as he is more frequently known, LORD BRAOSE OF GOWER. He was frequently summoned to Parliament, and distinguished himself in the Scottish Wars. He was one of the Barons who signed the letter to the Pope in 1301. He appears, however, to have been "a gret wastoure of good," and to have "seld," or endeavoured to sell, his Barony of Gower "to dyvers Lordis and took his money." However, as has been shown on page 765, he eventually settled it upon his daughters and their heirs. He married Elizabeth, daughter and heir of Edmund de Sully, but died without male issue, when the Barony of Braose fell into abeyance between his elder daughter Alice or Aliva (or Alina), the wife of John, second Lord Mowbray (see page 763), and his grandson, John de Bohun, afterwards Lord Bohun de Midhurst, son and heir of James de Bohun and Joane (de Braose), younger daughter of the said William, Lord Braose of Gower. No specific Act of the Crown determining the abeyance is known or can be referred

to, and, according to the presently accepted ideas, the Barony has since remained in abeyance. But it would be idle to overlook the fact that the Barony of Braose was continually and uninterruptedly assumed and claimed both by the Mowbray family and by their successors, the Howards, both of which families styled themselves, or were styled, Lords Braose in charters, Letters Patent, and Funeral Certificates, and on their monuments and Garter Plates. This persistent and perpetual usage of the title must inevitably cause one to think they had good reason to believe that the abeyances had been successively determined in their favour. Comparing the evidence available for the purposes of establishing this fact with that similarly available in relation to the Barony of Segrave in 1877, it is not an unlikely supposition that sufficient evidence could be produced to justify the Committee of Privileges in accepting the determination in favour of the Howards as an established fact, in which case the Barony of Braose is now in abeyance between Lord Mowbray, Segrave, and Stourton, and Lord Petre only, each possessing an undivided moiety. If, however, no such determination of the original abeyance is established, the junior moiety of the Barony is vested in the heirs-general of Humphrey de Bohun, who died without male issue in 1499, whilst the senior moiety followed the line of the Mowbray descent (see pages 767 to 807) until 1478, when it was divided between John, Lord Howard, and William, Viscount Berkeley, who each possessed a fourth of the Barony. The Berkeley family thereafter frequently, but wrongfully, styled themselves Lords Mowbray, Segrave, and Braose (of which three Baronies they were *never* more than coheirs). Their coheirship is now vested in the Baroness Berkeley. The portion vested in the Howard family followed the Howard line of descent (see pages 824, &c.) until 1777, when it was again divided between Lord Stourton and Ann, Lady Petre. Therefore (unless the abeyance was determined in favour of the Mowbray family, and again in favour of the Howard family, which is by no means unlikely),

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The present (1898) coheirs to the Barony are (1) Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, who possesses one-eighth, Bernard Henry Philip, Lord Petre, who possesses one-eighth, Louisa Mary, Baroness Berkeley, who possesses one-quarter, and the heirs-general of the aforesaid Humphrey de Bohun, who (amongst themselves collectively) possess one-half of the Barony of Braose, presently in abeyance between all the above-mentioned.



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THE BARONY OF VERDON,

PRESENTLY IN ABEYANCE.

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THEOBALD DE VERDON,  
LORD VERDON, IN THE PEERAGE OF ENGLAND,  
SUMMONED TO PARLIAMENT BY WRIT,  
THE 28TH OF JUNE, 1283.





*The Arms of Verdon, namely, "Or, a fret gules."*

I. Theobald de Verdon, LORD VERDON, was one of the chief Barons of the Realm, and was the son of John de Verdon, one of the Barons Marchers in Wales. John de Verdon was the son of Theobald de Butiller and his wife Roesse, daughter and sole heir of Thomas de Verdon, a Baron of the Realm. John de Verdon assumed his mother's name. Theobald de Verdon first mentioned was amerced as a Baron. He was summoned to Parliament the 28th of June, 1283, by Writ directed "Theob' de Verdun," and was subsequently summoned to other Parliaments until his death in 1309, when he was succeeded by his son and heir,

II. Theobald de Verdon, LORD VERDON. He married first Maud, daughter of Edmund, Lord Mortimer, by whom he had three daughters, Joan, Elizabeth, and Margaret. He married, secondly, Elizabeth, daughter of Gilbert de Clare, Earl of Gloucester and Hertford, by whom he had one other daughter, Isabel. Theobald, Lord Verdon, died in 1316, without male issue, when his Barony fell into abeyance between his four daughters and co-heirs. The eldest daughter, Joan, married Thomas, second Lord Furnivall (see page 898), and the senior representation of the Barony devolved through the families of Furnivall (see pages 898, 899), Nevill (see page 899), Talbot (see page 900), and Howard (see page 839), until 1777, when it was divided between Charles Philip, afterwards Lord Stourton, and Ann, Lady Petre. The second daughter, married Bartholomew, Lord Burghersh, her moiety eventually becoming united with the Barony of Le Despencer. The third daughter, Margaret, was thrice married, but the representation of her share eventually

devolved upon the late Duke of Buckingham and Chandos. The fourth daughter, Isabel, married Henry, Lord Ferrers, of Groby ; the representation of her share also eventually devolved upon the late Duke of Buckingham and Chandos, who therefore (subject to an attainder) would seem to have represented two-fourths, or a half, of the Barony. The Duke left three daughters and coheirs.

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The present (1898) co-heirs are (1) Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, who possesses one-eighth ; (2) Bernard Henry Philip, Lord Petre, who possesses one-eighth ; (3) Evelyn Edward Thomas, Viscount Falmouth, who possesses one-fourth ; (4) Mary, Baroness Kinloss, who possesses one-sixth ; (5) Caroline Adelaide Hadaway, and (6) Eva Hadaway (daughters of the late Lady Ann Temple-Nugent-Chandos-Brydges-Grenville), each of whom possesses one-twelfth ; and Lady Caroline Jemima Temple-Nugent-Chandos-Brydges-Grenville, who possesses a sixth of the Barony of Verdon, presently in abeyance between all the above-mentioned.

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THE BARONY OF KERDESTON,

PRESENTLY IN ABEYANCE.

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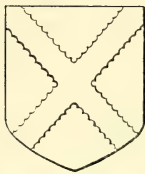
ROGER DE KERDESTON,

LORD KERDESTON, IN THE PEERAGE OF ENGLAND,

SUMMONED TO PARLIAMENT BY WRIT,

THE 27TH OF JANUARY, 1331-32.





*The Arms of Kerdeston, namely, "Gules, a saltire engrailed argent."*

I. Roger de Kerdeston was the son and heir of William de Kerdeston, Sheriff of Norfolk and Suffolk (1296-97), by Margaret de Gant, his wife, sister and co-heir of Gilbert, Lord Gant (who died without issue in 1298), and daughter of Gilbert de Gant ("De Gandavo"), of Folkingham, Co. Lincoln. This last-mentioned Gilbert (the son and heir of Gilbert de Gant, called Earl of Lincoln, having been so created by Prince Louis of France in 1216, but deprived of all his honours in 1217) was summoned to Simon de Montfort's Parliament in 1264. This Writ, however, as has been already explained, did not constitute a hereditary Peerage. Roger de Kerdeston, having succeeded to a large part of the lands of his mother's family, was made a Knight of the Bath in 1306, and was summoned to Parliament as a Baron (LORD KERDESTON) from the 27th of January, 1331-32, 6th of Edward III., to the 21st of June, 1337, 11th of Edward III. He died in 1337, when he was succeeded by his son,

II. William de Kerdeston, LORD KERDESTON, who was aged 30 at the date of his father's death. He received various Writs of Summons in due course. He fought at the Battle of Cressy and in the wars with France. He died on the 14th of October, 1361. He left no legitimate male issue, but his bastard son obtained and kept possession of some of his father's lands. The legitimate issue of Lord Kerdeston consisted of his two daughters, and consequently the Barony fell into abeyance, and has since so remained. Maud, the elder daughter, married Sir John Burghersh, and her son and heir, John (who was aged 17 at the death of his grandfather), died in 1392, leaving an only daughter and heir, Maud, who married Thomas Chaucer, the son of Geoffrey



Chaucer, the poet. Their only daughter, Alice, married William de la Pole, Duke of Suffolk. The moiety of the Barony, which consequently vested in the De la Pole family, seems to have been forfeited by various attainders. The younger daughter, Margaret, married Sir William Tendring. The representation of this marriage devolved upon her grand-daughter Alice, who married Sir John Howard. Their son and heir married Lady Margaret de Mowbray, and the representation of the junior moiety of the Barony devolved with the line of the House of Howard until 1777, when it was divided.

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The senior moiety of the Barony is under attainder, but the present (1898) co-heirs of the junior moiety are Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, who possesses one-fourth, and Bernard Henry Philip, Lord Petre, who possesses one-fourth of the Barony of Kerdeston, presently in abeyance.

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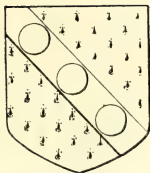
THE BARONY OF DAGWORTH,

PRESENTLY IN ABEYANCE.

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SIR THOMAS DE DAGWORTH,  
LORD DAGWORTH, IN THE PEERAGE OF ENGLAND,  
SUMMONED TO PARLIAMENT BY WRIT,  
THE 13TH OF NOVEMBER, 1347.





*The Arms of Dagworth, namely, "Ermine on a bend gules, three bezants."*

I. Sir Thomas de Dagworth, son of John de Dagworth, and brother and heir of another John de Dagworth, all of Dagworth, Co. Suffolk, was in command of the King's forces in Brittany in 1345, where he on three occasions defeated Charles of Blois, known as Duke of Brittany, whom he finally took prisoner to London in 1346. He was summoned to Parliament as a Baron by Writ dated the 13th of November, 1347, 21st of Edward III. He married, in 1343-44, Eleanor, widow of James Butler, Earl of Ormonde, and daughter of Humphrey Bohun, Earl of Hereford, by the Lady Elizabeth Plantagenet, daughter of King Edward I. LORD DAGWORTH was slain in Brittany in 1359, being succeeded by his son,

II. Sir Nicholas de Dagworth, LORD DAGWORTH, who, however, was never summoned to Parliament. In 1366 he obtained a great victory over the French at Anjou. He married Eleanor, daughter of Walter Rosall, but died without issue in 1401, and was buried at Blickling, Co. Norfolk. His only surviving sister, and *probably his sole heir*, was Thomasine, wife of William, Lord Furnivall (see page 899). It is, however, possible (though it does not appear at all probable) that she was only a co-heir. *If* she were *sole heir*, the Lords Furnivall of course also inherited the Barony of Dagworth, which therefore followed the line of succession of the Barony of Furnivall, through the houses of Furnivall (see page 899), Nevill (see page 899), Talbot (see pages 900 to 902), and Howard (see pages 839, &c.), until 1777, when the Barony fell into abeyance between Charles Philip, afterwards Lord Stourton, and

Anne, Lady Petre, and has since so remained with their heirs. Therefore (if Thomasine de Dagworth were *sole heir*, as seems almost certainly to be the case),

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The present (1898) co-heirs are Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, and Bernard Henry Philip, Lord Petre, each of whom (apparently) possesses an undivided moiety of the Barony of Dagworth, presently in abeyance between them.

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THE BARONY OF FITZPAYNE,

PRESENTLY IN ABEYANCE.

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ROBERT FITZPAYNE,

LORD FITZPAYNE, IN THE PEERAGE OF ENGLAND,

SUMMONED TO PARLIAMENT BY WRIT,

THE 6TH OF FEBRUARY, 1298-99.







*The Arms of FitzPayne, namely, "Gules, three lions passant in pale argent."  
[These Arms are sometimes given as debruised by a bend azure.]*

The descent of this Barony has been already detailed at length on pages 43 and 44; suffice it here to say that

I. Robert FitzPayne, who was the owner of very considerable estates, was summoned to Parliament as a Baron by Writ directed to "Rob'o fil' Pagani," the 6th of February (1298-99), 27th of Edward I., though he had been previously summoned to attend the King at Salisbury in 1297. He received other subsequent writs. He was one of the Barons whose signature is appended (as "Rob's fil' Pagani, D'n's de Lammer") to the celebrated Letter to the Pope in 1301. He died the 9th of Edward II., being succeeded by his son,

II. Robert FitzPayne, LORD FITZPAYNE, who in his turn was summoned to Parliament. In the "Complete Peerage" his wife (widow of John Mareschal) is stated to be "probably a sister of Guy, Lord Bryan, and a daughter of Sir Guy de Bryan." He died without male issue in 1354, leaving an only daughter and heir,

III. Isabel FitzPayne, apparently *suo jure* BARONESS FITZPAYNE. But neither her husband nor any of her descendants were summoned to Parliament, so that the Barony apparently remained dormant from the death of her father, in 1354, until

it fell into abeyance in 1450. Isabel FitzPayne married Sir John Chidiok of Westbury, Co. Wilts., and the Barony devolved, or should have devolved, upon her son and his descendants as under (see page 44) :

IV. Sir John Chidiok, *de jure* LORD FITZPAYNE, died 18th Richard II.

V. Sir John Chidiok, *de jure* LORD FITZPAYNE, died *circa* 13th Henry V.

VI. Sir John Chidiok, *de jure* LORD FITZPAYNE, died 1450, when the Barony fell into abeyance between his two daughters and co-heirs, namely, Katharine, who married Sir John Arundel of Lanherne (the entire representation of whom eventually devolved upon the Lords Arundell of Wardour and Clifford of Chudleigh), and Margaret, who married (see page 44) William, second Lord Stourton, of Stourton, Co. Wilts., but the attainder of Charles, eighth Lord Stourton, would vitiate any co-heirship until a reversal of the same by Act of Parliament was obtained.

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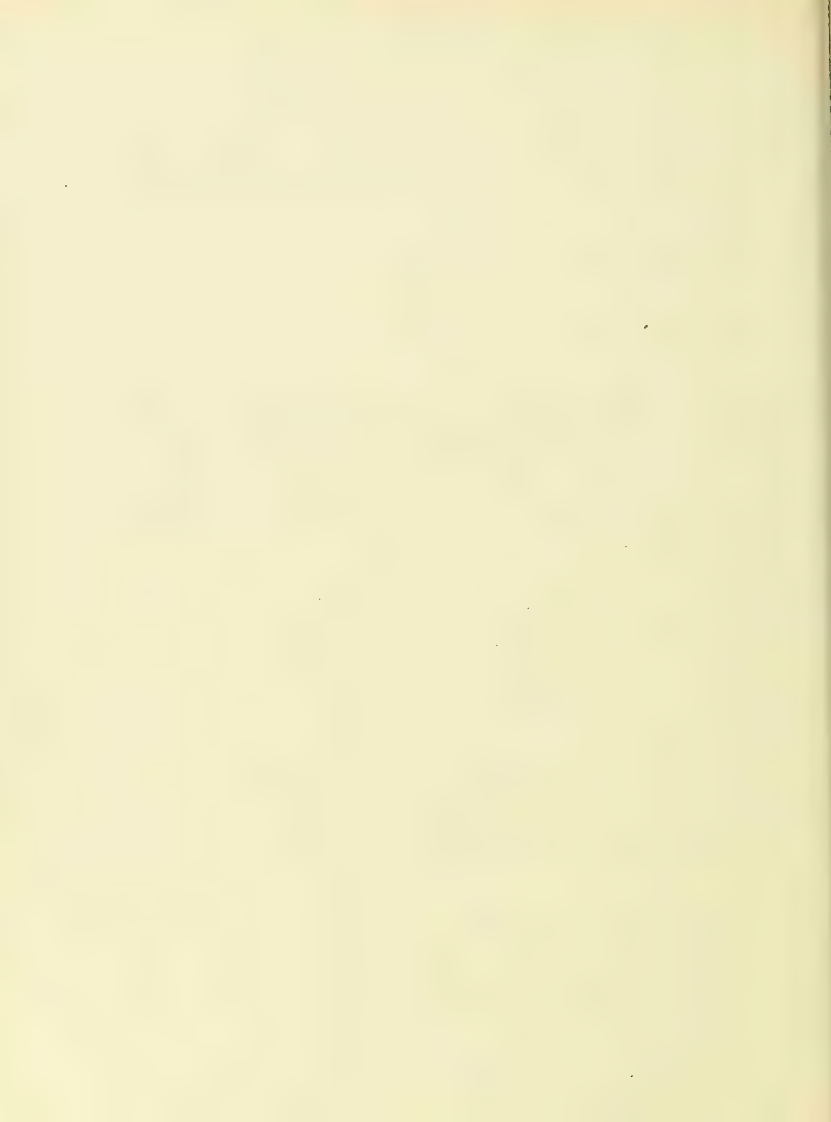
The present (1898) co-heirs are (1) (subject to the attainder of his ancestor) Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, who has an undivided moiety ; (2) John Francis, Lord Arundell of Wardour, who possesses one-fourth and (3) Lewis Henry Hugh, Lord Clifford of Chudleigh, who possesses one-fourth of the Barony of FitzPayne, presently in abeyance between them.

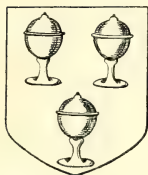
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THE BARONY OF ARGENTINE,  
PRESENTLY IN ABEYANCE.

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REGINALD DE ARGENTINE,  
LORD ARGENTINE, IN THE PEERAGE OF ENGLAND,  
SUMMONED TO PARLIAMENT BY WRIT,  
THE 28TH OF JUNE, 1283.

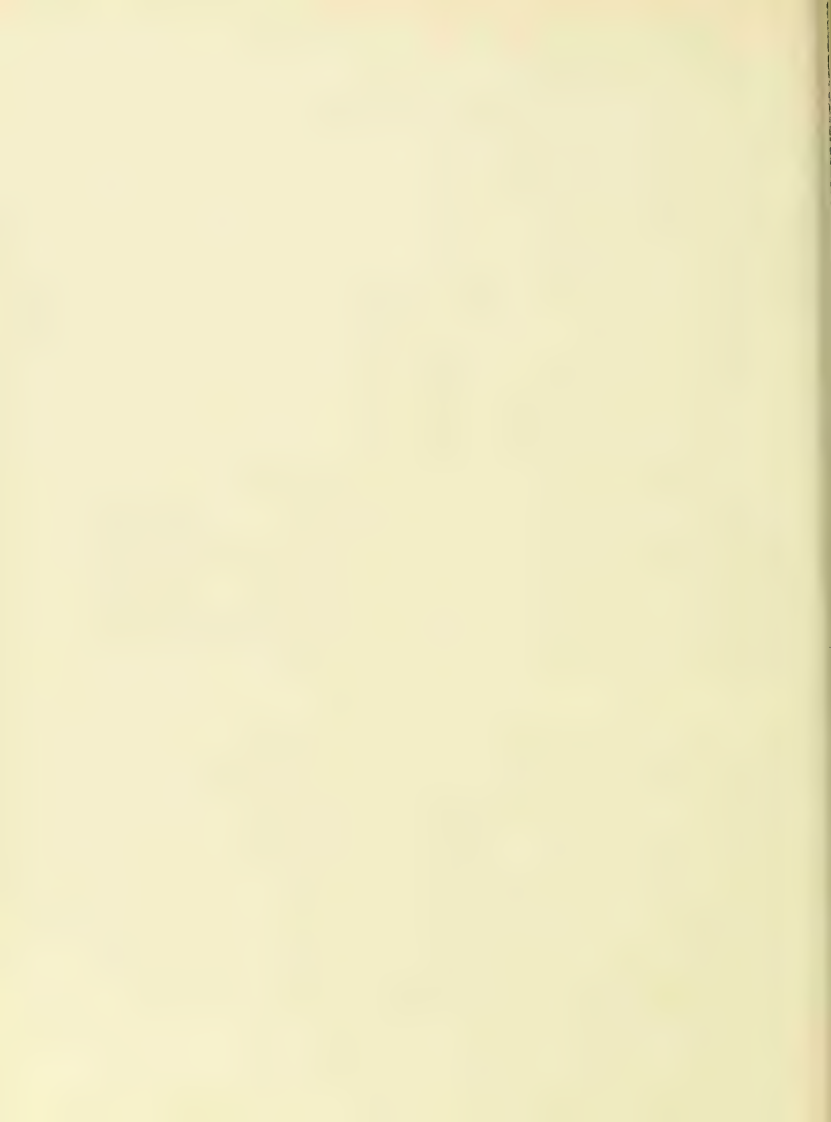




*The Arms of Argentine, namely, "Gules, three covered cups argent."*

I. REGINALD DE ARGENTINE, a Baron of the Realm and a Lord of Parliament, was the son and heir of Giles de Argentine, who died 1283. He was summoned to Parliament as a Baron by Writ directed "Regin' de Argenteyn," and dated the 28th of June, 1283, 11th of Edward I., becoming thereby LORD ARGENTEYN. He received a subsequent summons to meet the King at Salisbury, dated the 26th of January, 25th of Edward I., though the validity of the Writs of this later date has been questioned. This later Writ was directed to "Reginaldus de Argenteyne." He died in 1307, leaving a son and heir,

II. John de Argentine, LORD ARGENTINE. It is uncertain whether this John was the last of his line, or whether he was in his turn succeeded by another John, who is said to have succeeded his father in 1319, at the age of 6 months. The last Lord Argentine, by name John, died, in the 6th year of the reign of Richard I. (1382-83), without legitimate male issue, when the Barony fell into abeyance between his three daughters and co-heirs, namely, (1) Joan, (2) Elizabeth, wife of Sir Baldwin St. George, and (3) Maud, wife of Ivo FitzWarine. Amongst their descendants the abeyance of the Barony presently continues. The junior third devolved (see page 44) through the families of FitzWarine and Chidiok. The present co-heirs of this third portion are Lord Mowbray, Segrave, and Stourton, who possesses one-sixth, and Lord Arundell of Wardour and Lord Clifford, each of whom possesses one-twelfth of the Barony of Argentine, presently in abeyance.



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THE BARONY OF LE BOTELER DE WEMME.

OR, AS IT IS MORE USUALLY KNOWN,

THE BARONY OF FERRERS OF WEMME,

PRESENTLY IN ABEYANCE.

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WILLIAM LE BOTELER,

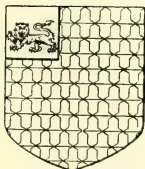
LORD LE BOTELER DE WEMME, IN THE PEERAGE OF ENGLAND

SUMMONED TO PARLIAMENT BY WRIT,

THE 28TH OF JUNE, 1283.







*The Arms of Ferrers of Wemme, namely, "Vairé or and gules, on a canton of the second a lion passant guardant of the first."*

It is by no means definitely decided whether there are two separate Baronies—"Le Boteler de Wemme" and "Ferrers de Wemme"—or whether these are in reality the same Barony. The latter is the usual opinion.

Ralph le Boteler married Maud, or Matilda, daughter and heir of William Pantulph, and thereby obtained possession of the great Lordship of Wemme. His son,

I. William le Boteler, LORD LE BOTELER DE WEMME, was summoned to Parliament as a Baron by Writ dated the 28th of June, 11th of Edward I., 1283, and directed "Will'o de Botiller de Wem'e." He married Ankaret, niece of James de Aldithley, and was succeeded by his son,\*

II. John le Boteler, LORD LE BOTELER DE WEMME, who died 1289, being succeeded by his brother\* (or son),

III. William le Boteler, LORD LE BOTELER DE WEMME, who obtained livery of his lands shortly after 1296. There are Writs of Summons to Parliament in the 23rd Edward I. directed to "Will'mo le Butiller" and "Will'o de Butiller." These, however, are usually attributed to William Lord Botiller of Warrington, who was summoned in the 25th year (as "Will's de Botiller de Werington"), but in the 1st year of Edward II. a Writ was directed to "Will'o le Botiller de Wemme," and he

\* There is some little uncertainty about the pedigree.

subsequently received other Writs. But it is curious that these two individuals of the same name never appear to have both been summoned to the same Parliament. Lord le Boteler de Wemme was thrice married. He died 1334, being succeeded by his son and heir (by his first wife, Ankaret Griffin),

IV. William le Boteler, LORD LE BOTELE DE WEMME, who was aged 36 at his father's death. He married Margaret, daughter of Richard FitzAlan, Earl of Arundel, by Alisona, daughter of the Marquis de Saluzzo, in Piedmont. He died December, 1361, being succeeded by his son and heir,

V. William le Boteler, LORD LE BOTELE DE WEMME, who was aged 30 at the date of his father's death. He was summoned to Parliament as a Baron, but died without male issue on the 14th of August, 1369, being succeeded by his daughter and heir,

VI. Elizabeth le Boteler, *suo jure* BARONESS LE BOTELE DE WEMME, who was aged 24 at the death of her father. She married firstly (between 1369 and 1379) Robert de Ferrers (younger son of Robert, second Lord Ferrers de Chartley), who, having possessed himself of her vast estates (which he entailed, on failure of the heirs of his body by her, on his own right heirs), was (most probably in right of his said wife (summoned to Parliament as a Baron (Lord Ferrers de Wemme), by Writs 28th December (1375), 49 Edward III., to 20th October (1379), 3 Richard II., directed "Robt'o de Ferrers de Wemme." He died (1380-81) 4 Richard II.

Strictly speaking (*vide* "Complete Peerage"), these Writs would constitute a new Barony, as, to continue the old Barony, the description should have run, "Rob'to de Ferrers de le Botiller de Wemme."

His widow, Baroness le Botiller, married secondly (1381-82), 5th of Richard II., Sir John Say, and thirdly, Sir Thomas Molinton, who was never summoned to Parliament as a Baron, but who, in his will dated the 7th of May, 1408, styles himself Lord of Wemme. She died June, 1411. Her will, in which she styles herself Elizabeth Ferrers, Baroness of Wemme, was dated the 6th of June, 1410, and was proved the 16th of June, 1411. On her death the Barony (whether considered as originating in the Writ of 1308 or in that of 1375, or the two Baronies, if it be held that there were two) fell into abeyance between her two grand-daughters and co-heirs,

children of her son and heir-apparent, Robert Ferrers, who died *vita matris* in 1396.

These co-heirs were (1) Elizabeth, then aged 18, who married John (de Grey-stock), Baron Greystock (see page 934), and the senior moiety devolved with that Barony (see pages 934, 935); (2) Mary, then aged 17, who married Sir Ralph Nevill, of whom the representation passed through the families of Gascoigne, Wentworth, Watson, and Southwell, to the heirs of Lord de Clifford, who died *s.p.* 1832.

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The present (1898) co-heirs are (1) Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, who possesses one-eighth; (2) Bernard Henry Philip, Lord Petre, who possesses one-eighth; (3) George James, Earl of Carlisle, who possesses one-quarter; (4) Jack Southwell, Lord de Clifford, who possesses one-sixth; (5) John Francis Cust, Esquire, who possesses one-sixth; and (6) Arnold Allan Cecil, Earl of Albemarle, who possesses one-sixth of the Barony (or Baronies) of Ferrers of Wemme [and of le Botiller], presently in abeyance between the above-mentioned.



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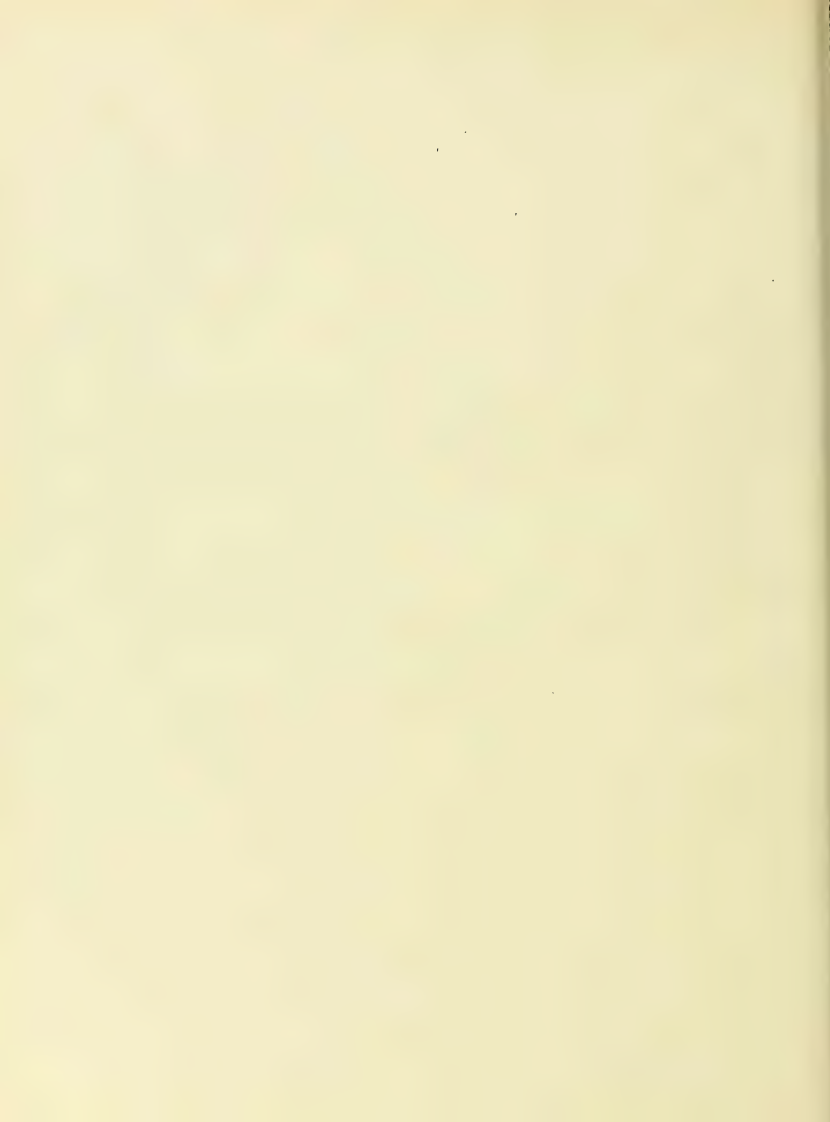
THE EARLDOM OF NORFOLK,

PRESENTLY IN ABEYANCE.

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THOMAS PLANTAGENET "OF BROTHERTON,"

CREATED EARL OF NORFOLK,  
IN THE PEERAGE OF ENGLAND,  
THE 16TH OF DECEMBER, 1312.





Roger le Bigod, Earl of Norfolk, surrendered his titles and estates to the Crown on the 12th of April, 1302, receiving them back with remainder to the heirs male of his body by Charter dated the 12th of July following. He died without issue the 11th of December, 1306, and consequently the Earldom reverted to the Crown.

I. Thomas Plantagenet, styled "of Brotherton," fifth son of King Edward I., being the eldest son of the King by his second wife Margaret, daughter of Philip III., King of France, was born the 1st of June, 1300, at Brotherton, Co. York.

On the 16th of December, 1312, King Edward II. gave to his said brother, Thomas of Brotherton, the estates and Earldom of the late Roger de Bigod, Earl of Norfolk, by a charter which was produced in evidence at the hearing of Lord Stourton's Petition, thereby creating him Earl of Norfolk, to have and to hold to the said "Thome 't heredibz suis de corpore suo legite'e p'creatis," *i.e.*, to the heirs of his body legitimately begotten, or in other words, to his "*heirs-general*." Thomas, Earl of Norfolk, was summoned to Parliament the 18th of March following. His Writ, dated the 25th day of August, 12th of Edward II., was directed "Thome de Brotherton' comiti Norff," but in the Parliament Roll for that year his name appears as "Le Counte Mareschal," but his Writ, dated May the 15th, 14th of Edward II., is directed "Thome de Brotherton' comiti Norff 't Marescallo Angl'." The Earl married firstly Alice, daughter of Sir Roger Halys, of Norwich, and secondly Mary, widow of Sir William Braose, and daughter of William de Roos, Lord Roos. He had issue by his first wife an only son, Edward Plantagenet (who married Beatrix, daughter of Roger Mortimer, Earl of March, but died in his father's lifetime and without issue), and two daughters, namely, Margaret and Alice. The latter married Edward, Lord Montacute, and the former, John, Lord Segrave.

In a deed dated the 5th of August, 1332, 6th of Edward III., the Earl styled himself "Thomas, Comes Norff' et Suff' et Marecallus Angliæ," and in a grant of the following year "Thomas fitz du Noble Roy, Comte de Northfolke et Suffolke, Mareschal d'Engleterre."

The Earl died, leaving no surviving male issue, in August, 1338, and was buried at Bury St. Edmunds, Suffolk. His widow married Ralph, Lord Cobham.

At the death of the Earl of Norfolk the Earldom apparently fell into abeyance between his two daughters above-named. Alice, wife of Edward, Lord Montacute, had an only daughter and heir, Joan, *suo jure* Baroness Montacute, who married William de Ufford, Earl of Suffolk, but died without issue in 1375, leaving her Aunt Margaret, widow of Lord Segrave, sole heir of Thomas of Brotherton, Earl of Norfolk. The abeyance therefore then came to an end.

II. The Lady Margaret Plantagenet, *suo jure* Countess of Norfolk, eldest daughter and co-heir of Thomas de Brotherton, Earl of Norfolk, was born about the year 1320. She married firstly (see page 879), before the 15th of December, 1338, John de Segrave, fourth Lord Segrave, by whom she had an only child Elizabeth (*suo jure* Baroness Segrave, see page 881), who married (see pages 771, 881) John de Mowbray, afterwards fourth Lord Mowbray (see pages 771 to 773). John, fourth Lord Segrave, died on Easter Tuesday, 1353. Margaret (Plantagenet), Lady Segrave, married secondly, in, or shortly before 1354, Sir Walter Manny, Lord Manny, K.G. and K.B., who came to England in 1327 in the suite of Queen Philippa of Hainault. He was made a Knight of the Bath in 1331. He particularly distinguished himself in the Scottish Wars 1334-36, and in the French Wars at the Battle of Cressy and at the taking of Calais, where the King and the Prince fought under his banner. He was summoned to Parliament as a Baron (Lord Manny) by Writs from the 12th of November, 1347, 21st of Edward III., to the 8th of January (1370-71), 44th of Edward III., and there is proof in the Rolls of Parliament of his sitting. Lord Manny died without surviving male issue in London the 13th of January, 1371-72, and was buried in the Charter House. His will is dated the 30th of November, 1371, and was proved at Lambeth the 13th of April, 1372. By her second husband, Lord Manny, Lady Margaret (Plantagenet), successively Baroness Segrave and Baroness Manny, had issue an only son, Thomas Manny, who died *vita patris*, being drowned in a well at Deptford; and an only daughter, Anne, who therefore became sole heir of her father at his death, and consequently *suo jure* Baroness Manny. She was then sixteen years of age, but had been previously married, in 1368, as his second wife, to John Hastings, Earl of Pembroke, who died on the 16th of April, 1375, aged 28, leaving an only child, John. The Countess of Pembroke died the 2nd of April, 1384. John, their son, Earl of Pembroke, Lord Hastings and Lord Manny, who succeeded both his father and mother in their Peerage honours, died unmarried the 30th of December, 1389, at the age of 17, and consequently the entire issue of Lady Margaret (Plantagenet), successively Baroness Segrave and Baroness Manny by her second marriage, became extinct in her own lifetime.

In the year 1375, by the death without issue of her niece Joan, Countess of Suffolk, Lady Margaret became *sole heir* of her father, Thomas "of Brotherton," Earl of Norfolk, and the abeyance therefore terminating of itself and without the interference of the Crown, she became in her own right Countess of Norfolk, the limitations of the remainder to that Peerage being to his heirs-general.

Now, there is a deeply rooted idea that an English Earldom cannot fall into abeyance, and this dictum is laid down as an established matter of fact in most Peerages. The learned "G. E. C." remarks in the "Complete Peerage," Vol. VI., p. 68: "*Reversion to the Crown* appears formerly to have been the case as to all Dignities, which were held (as was this Earldom\*) with rem. to the heir *general* of the body [*"sibi et heredibus suis"*] of the grantee, in every case when the holder thereof died leaving but co-heirs to the dignity. With regard to *Baronies by Writ*, according to the modern practice, a co-heir of such dignity, when by the determination of the abeyance he or she becomes the *sole* heir, is allowed the same (as in the case of the Barony of North in 1841†) without any intervention of the Crown. With respect, however, to *Earldoms*, those dignities have *never* been held to fall into abeyance, nor (as in Scotland) to devolve on the senior co-heir as heir of line." Again the same writer (Vol. VI., p. 43), in relation to the death of Anne, Duchess of York and Norfolk (at whose death all her honours held in fee simple fell into abeyance between the Houses of Howard and Berkeley), remarks: "At her death the *Earldom of Norfolk* and the *dignity of Earl-Marshal* reverted to the Crown, but the *Baronies of Mowbray and Segrave* fell into abeyance." Courthope, however, remarks: "*The Earldom of Norfolk* is by most writers considered to have become *extinct* on the Earl's‡ decease, but as it was created *to the heirs of the body*, it probably eventually vested in Margaret, Duchess of Norfolk, his daughter, and from her passed to the families of Segrave and Mowbray" [*i.e.*, through the family of Segrave to that of Mowbray].

But with all deference to the learned writers we have quoted from, and others who have adopted the same conclusions, we fail to see that it is the correct one. When all has been said and done, the fact remains that no case involving the termination of the abeyance of an English Earldom, or even of the fact of an abeyance of an English Earldom, has ever been before the Committee of Privileges, unless the Act of Parliament of the 14th of July, 1424, following upon the petition of the Earl-Marshal to be recognised as Duke of Norfolk, can be so construed. Consequently the dictum we

\* The remarks are really in relation to the Earldom of Northampton.

† This point, however, was established by the Committee of Privileges at a much earlier date, namely, in the Clifford case in 1691, see page 732.

‡ That is, Thomas Plantagenet "of Brotherton," Earl of Norfolk.

have alluded to is no more than the carefully-considered opinion of Peerage writers. As such we accord it its full weight and significance, but it should not at the same time be overlooked that it has not behind it the conclusive weight of a resolution of the House of Lords, or even of a discussion upon the point. The point was briefly alluded to at the hearing of Lord Stourton's Petition, when it seemed to be quite accepted that the Earldom had fallen into abeyance. But as that Peerage was not before the House upon the occasion no very great weight can be attached to this. Consequently, as there exists no contested case to fall back upon as a precedent, it will be well to consider the facts upon which the opinions of Peerage writers have probably been formed. With no legal decisions to be quoted as precedents, an expression of opinion upon the law must naturally resolve itself into a deduction from what is actually known to have occurred in cases of a similar nature. Now, the English Earldoms heritable by heirs-general are *singularly* few in number. They consist of the very few such Earldoms created by charter or Letters Patent, with the remainder "et hereditibus suis," and the few Norman and very early Plantagenet Earldoms, for which no definite instrument of creation is known to have existed; and the facts in relation to these latter being practically so much more numerous than those in relation to the former, it is not improbable that they have largely influenced the opinions that can be quoted. But the idea that an Earldom was much akin to a Peerage Earldom of the present day should be at once dismissed. An ancient Earldom in the very earliest times was frequently a Governorship, and to many intents and purposes a Vice-Royalty. An Earl frequently ruled within his Earldom, and had the issues of life and death and jurisdiction, and many attributes of regality in his hands which he exercised on behalf of the Crown, unless his inclination of the moment were otherwise, as to which alternative he took the consequences. Now, it would have been intolerable and impossible that an abeyance or interregnum should occur in the succession to, and the due exercise of, a recognised jurisdiction, Governorship, or Vice-regality. Consequently the succession was sufficiently constant to fulfil all necessity until by the time of the later Plantagenet reigns the power was so centralized in the Crown that Earldoms had lost much of their feudal, and practically all of their vice-regal, character, and remained only a grade of the Peerage. And the whole character of the times must be borne in mind. When even the crown of the kingdom was fought for and bandied from party to party, frequently in violation of the accepted laws of succession, and held by virtue of the strong arm, an occasional irregularity in the succession to an Earldom can hardly be held to afford full or sufficient evidence of full right to, or of the recognition of, any particular method of succession. And, bearing in mind the vast power for good or ill, for loyalty or disloyalty, and the influence and prestige attaching to the succession to a feudal Earldom, and also the necessity of having capable and well-

affected subjects to maintain the power of the Crown, small wonder is it that we find the Crown occasionally interfering to divert the succession into any particular direction it desired to favour. But in spite of these considerations, in so great a majority of the cases of what we should now term abeyance do we find the succession devolving, with or without the express or instrumental confirmation of the Crown, upon the heir of line, if a male, or the husband of the heir of line, when a female, that one may well wonder whether it were not an accepted fact in those days that the heir of line in England (as in Scotland) must, as a matter of course, have each inherited in their turn. But these remarks apply only to the earliest feudal Earldoms, and it is an open question whether it is justifiable to apply deductions from the known facts of succession to such Earldoms to Peerage dignities of a later date created by Charter or Letters Patent with definite and specified remainders. And if we dismiss the precedents deduced from the earlier and distinctly territorial Earldoms, there are indeed but few instances of succession upon which an opinion can be formed, and all, without exception, are distinctly in favour of the fact of abeyance which we put forward. One of the chief of these is the case of the Earldom of Ormond (in Ireland), created in 1529, with remainder to heirs *general* in the *same* patent by which the Earldom of Wiltshire was created, with remainder to heirs-male. Concerning this Mr. J. H. Round remarks ("The Earldoms of Ormond"): "The Charter of 8 Dec., 1529, was a double one, and while it granted the Earldom of Wiltshire in tail male (with an annuity of £20 out of the issues of Wilts and Devon), it conferred the Earldom of Ormond in Ireland (with the annuity of £10 out of the fee farm of Waterford) on Lord Rochford *et hæredibus suis in perpetuum*. The varying destinations of the two dignities have been hitherto a *crux* to Peerage writers, but the apparent anomaly is beautifully explained when the true facts of the case are no longer perverted or obscured. For, when we learn that this Earldom of Ormond is identified with that created in 1328 not only by retaining the same *feodum* (from which it had not been separated for an instant), but also by descending with the very same limitation, we see how exclusively these facts agree with our previous conclusion that it was the original Earldom of which the continuity had never been broken, and which was now called out of abeyance in favour of a rightful heir." But doubtless one of the most valuable precedents is afforded by the recent case of the Earldom of Cromartie, which was created with various and remarkable remainders, of which the one presently operative is to "Francis Sutherland Leveson-Gower . . . and the heirs of his body," &c. At the death of the said Francis, Earl of Cromartie, the Earldom in 1893 fell into abeyance between his daughters until it was called out of abeyance by Letters Patent in 1895\* in favour of the present Countess of Cromartie.

\* It should be noted that this date is later than that at which "G. E. C." wrote.



Though it is reverting from modern days to historical, undoubtedly the best instance of all is afforded by this very Earldom of Norfolk which is under consideration. Unless Lady Margaret Plantagenet, successively Baroness Segrave and Baroness Manny, succeeded as heir of line immediately upon the death of her father (which is not very probable), the Earldom of Norfolk was undoubtedly *IN ABEYANCE* from the Earl's death in 1338 until 1375, when Lady Margaret became sole heir, for there can be, and is, no doubt that she succeeded and became Countess of Norfolk, and is *invariably* so described in spite of various explicit statements to the contrary effect as concerning Earldoms in general. In the Close Roll (R. Claus., m. 15) on the 15th of March, 1377, she is described as Margaret Marshal, Countess of Norfolk, and she is also described as Countess of Norfolk in the rolls of Parliament, 21st of Richard II. (1397-98, under date of the 29th of September, 1397), when she was created Duchess of Norfolk for life. The Parliament Roll for that year was produced at the hearing of Lord Stourton's Petition. The following is the extract therefrom relating to the subject: "Item mesme le jour 't en mesme la fo'me 't man'e Sire Thomas Moubray cont de Notyngham feust fait 't creez en duc de Norff' Item n're s<sup>r</sup> le roy veullant hon'er enhauncer 't encreser le noun 't lestat de sa hon'able cousine Margarete Mareschall' Contesse de Norff' mesme le jo'en plein p'lement en absence du dite contesse ad fait 't creez mesme la contesse en Duchesse 't luy ad donez lestile tittle honour 't noun de Duchesse de Norff' a avoir p<sup>r</sup> t'me de sa vie et sur ceo luy envia sa chartre de la creacion suis dite." She is also described as "Margareta comitissa Norff'" by the Charter of the Creation "p' ip'm regem in p'liamento." And it should be remembered that here there is no occasion requiring the *termination* of an abeyance by any specific act of the Crown, which has to be sought, as in the much discussed abeyance of the Baronies of Mowbray and Segrave. The abeyance had of itself (by the extinction of the issue of the other co-heirs) come to an end, and all that needs to be looked for is formal and authoritative recognition of the fact of subsequent succession and inheritance of which the foregoing afford ample evidence. The Duchess enjoyed her new honours but a short time, dying the 24th of March, 1398-99, 23rd of Richard II., aged about 80. She was buried in the Grey Friars, London. On her monumental inscription she is described as "Nobilis D'na, Dna Margareta Marchall, Comitissa Northfolk et D'na de Segrave." She was succeeded by her grandson,

III. Thomas de Mowbray, Duke and EARL OF NORFOLK, &c., Lord Mowbray and Segrave, &c. (see page 776), who died in September, 1399, and who was succeeded by his son,

IV. Thomas de Mowbray (*de jure* Duke and) EARL OF NORFOLK, &c., Lord Mowbray and Segrave, &c. (see page 788), who was usually known as the Earl-Marshall. He died without issue in 1405, being succeeded by his brother,

V. John de Mowbray, Duke and EARL OF NORFOLK, &c., Lord Mowbray and Segrave, &c. (see page 793). This John, Duke of Norfolk, previously known as the Earl-Marshall, petitioned to be recognised as Duke of Norfolk, and also to have his precedence as Earl of Norfolk declared as above the Earl of Warwick. This petition was printed in full on page 796, and is recited in the Parliament Rolls for the 3rd of Henry VI. Lest it should be held that the mere recital of a petition upon the Rolls of Parliament is no evidence of the accuracy of facts contained therein, it is worth the passing mention that as late as 1821 a petition was withdrawn from the House of Lords and an amended one required to be substituted, as "the purity of the Records of the House required that the petition should correctly state the facts." So that it is hardly conceivable that a Petition containing so emphatic an assertion of and based upon the right to the Earldom of Norfolk would have been accepted had the right been non-existent. The petition, as has been seen, claims precedence over the Earl of Warwick, "as I and all my auncestres 't p'decessours have had at all tymes of which no mynde is ye contrie as erles of Northfolk"; but the most important part of the petition is the following, "saving alweis ye title right and possession of me and myn heirs of myn body com'ng as Erels of Norfolk to my place in yis hie court above my said cousyn of Warr' and his heirs by cause ye name of duc of Norff' is tailed to me and to my heirs males of my body com'ng and ye name of Erel of Norff' is tailed to me and to my heirs of my body com'ng gen'aly." Therefore, there can be no doubt that he was *Earl* of Norfolk, and, as there had been no subsequent creation, Earl under the Charter granted in 1312 to his ancestor, Thomas "of Brotherton." He was succeeded by his son,

VI. John de Mowbray, Duke and EARL OF NORFOLK, &c., Lord Mowbray and Segrave, &c., K.G. (see page 799), who died 1461, being succeeded by his son,

VII. John de Mowbray, Duke and EARL OF NORFOLK, &c., Lord Mowbray and Segrave, &c. (see page 803). He died 1475-76, being succeeded by his only child,



VIII. Anne de Mowbray, Duchess of York and Norfolk, and *suo jure* COUNTESS OF NORFOLK and Baroness Mowbray and Segrave (see page 805). She died without issue in 1480-81, when all her dignities in fee, and amongst them the Earldom of Norfolk, fell into abeyance between John, Lord Howard and William, Viscount Berkeley. The Earldom has since remained in abeyance between their respective heirs. In spite of repeated and explicit statements to the contrary, and to the effect that the Earldom reverted to the Crown, *it must stand to reason* that if it could fall into abeyance once, as it undoubtedly did in 1338, to re-emerge in 1375, it could and did as certainly fall into abeyance again in 1480-81.

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The present (1898) co-heirs are Charles Botolph Joseph, Lord Mowbray, Segrave and Stourton, Bernard Henry Philip, Lord Petre, and Louisa Mary, Baroness Berkeley, amongst whom the EARLDOM OF NORFOLK is presently in abeyance, and of whom Lord Mowbray and Stourton is the senior co-heir.

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VARIOUS REPUTED PEERAGES WHICH HAVE POSSIBLY  
BEEN CREATED BY EXCEPTIONAL WRITS, &c.

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In considering Baronies by Writ and other Peerages one fundamental rule may be laid down, which has been on several occasions acted upon and established before the Committee of Privileges of the House of Lords, and as to which there can be no question.

A Writ of Summons to Parliament issued to any person, if he be not already a Peer by Letters Patent, *creates* a hereditary Peerage, under the designation upon the Writ, and dating from that Writ, and heritable by the heirs general of the person summoned, provided that a sitting in Parliament can be proved consequent upon the original Writ, or consequent upon any subsequent Writ issued in regular succession to the original one.

*A Writ issued in error has equal creative powers, providing that proof can be made of the issue thereof and the consequent sitting in Parliament.*—With the exception of the Life Peerages recently created under the Appellate Jurisdiction Act, 1876, a Peerage cannot be other than hereditary, and a Peerage created by a Writ devolves upon the heirs general of the body of the recipient of the Writ.

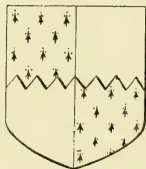
Whilst variations in spelling must be disregarded, and whilst trivial differences in description, where the intention is undoubted, are of little, if any, account, it seems likely that a Writ issued (particularly in cases where the descent is not strictly male to male) under a distinctly different description, must be regarded as a Writ intentionally issued as of a creative nature, or as a Writ issued in error, but nevertheless creating a new Peerage. These cases are frequently to be found in the persons of the husbands of Peeresses in their own right, and the point is of some importance, as the heirs of the husband are not always identical with the heirs of the wife. Of the theory of the matter, which is accepted by most Peerage writers, there can be no doubt, but the reservation should be made that considerable difficulty would be found in some cases in establishing them before the recognised tribunals, inasmuch as proof of the separate nature of the Peerages would be either difficult or impossible to procure. In none of the following instances has any attempt ever been made hitherto to establish that the presumed or reputed Baronies are heritable Peerages.

Whilst putting forward, however, no definite claim to co-heirships to distinct and separate Peerages under the specific designations which follow, to omit due mention thereof would be to deliberately ignore certain possibilities which actually exist.

The cases which have come to light are the following :

John de Mowbray (see page 794), though *de jure* Duke of Norfolk, Earl of Norfolk, and Earl of Nottingham, &c., was not considered, for some reason, to have inherited the Dukedom of Norfolk, and was summoned to Parliament by Writ dated the 22nd of March, 1412-13, and directed "Comiti Marischallo." According to various notes in the "Complete Peerage," quoted on pages 794 and 806, this Writ would appear to have created a *Peerage dignity* of Earl-Marshal. If such is the case, such Peerage dignity is now in abeyance between Lord Mowbray, Segrave, and Stourton, Lord Petre, and the Baroness Berkeley.

John de Mowbray, Lord Mowbray and Segrave, was created by Letters Patent on the 15th of July, 1377, Earl of Nottingham, the remainder being to "sibi et heredibus suis" (see page 774). As the limitations to "heirs male" and "of his body" are both omitted, the strictly *literal* interpretation of this peculiar remainder would be that this Earldom of Nottingham is presently in abeyance between Lord Mowbray, Segrave, and Stourton, Lord Petre, and the Baroness Berkeley.



*The Arms of FitzWaryne, namely, "Quarterly, per fesse indented ermine and gules."*

The reputed Barony of FitzWaryne has been discussed and detailed at pages 51 and 52. William FitzWaryne "le Frere," K.G., was, on the 25th of February, 1341-42, summoned amongst the Earls and Barons to attend a Great Council, to be holden at Westminster. There is some doubt whether this Council was a Parliament, and the Writ consequently a proper summons to Parliament. Certain is it that no further Writs were issued to him or his descendants. He is, however, usually accounted to have been Lord FitzWaryne; and if such a Barony exists, it is now in abeyance between Lord Mowbray, Segrave, and Stourton, Lord Arundell of Wardour, and Lord Clifford of Chudleigh.

Thomas Nevill, husband of Joane (Furnivall), Baroness Furnivall, though styled "Le Sire de Furnyvall," was always *uniformly* summoned by Writs directed "Thomæ Nevill de Hallamshire." G. E. C., in the "Complete Peerage," remarks : "If it be supposed that a new Barony (*Nevill de Hallamshire*) was created by the Writ of 1383 such Barony would on his death fall into abeyance between his two daughters and co-heirs, viz. : (1) Maud, by his first wife, who inherited her mother's Barony of Furnivall" (and whose heirs general are now Lord Mowbray, Segrave, and Stourton, and Lord Petre) "and (2) Joan, by the second wife (twelve years younger than her sister) three years old at her father's death (1406-7), 8th of Hen. IV. This Joan *m.* Sir Hugh Cokesey, or (writes Courthope) 'according to others Hamon de Belknap.'"

John Talbot, husband of Maud (Nevill), Baroness Furnivall (see page 900), was summoned to Parliament by various Writs, usually addressed "Johanni Talbot D'no de Furnyvall," or "Johanni Talbot de Furnyvall," which unquestionably were issued to him *jure uxoris* in the old Barony of Furnivall. One Writ, however—that of the 1st of December, 1413, was directed "Joh'i Talbot de Halomshire." A note in the "Complete Peerage" states that "If it can be supposed that a new Barony (*Talbot de Hallamshire*) was created by this Writ of 1413 such Barony would follow the course of the Baronies of Furnivall, Strange de Blackmere and Talbot." In other words, it would now be in abeyance between Lord Mowbray, Segrave, and Stourton, and Lord Petre.

Richard Talbot, husband of Ankaret, *suo jure* Baroness Strange de Blackmere, was until after his father's death summoned to Parliament by Writs directed "Ricardo Talbot de Blackmere," being apparently, therefore, "Lord Talbot de Blackmere." There can be little doubt, however, that this was meant for "Lord Strange de Blackmere."

With regard to the Barony of FitzWilliam, there is no doubt that Ralph FitzWilliam was summoned to Parliament as Lord FitzWilliam. As Lord FitzWilliam no proof of a sitting in Parliament could be shown. His grandson assumed the name of De Greystock, and was summoned to Parliament as Lord Greystock. But as he (as the grandson) was the direct heir of his grandfather, and, as such, Lord FitzWilliam in his own right, it is unlikely that the different designations were, or ought to be considered as, separate Peerages.

John Arundel, alias FitzAlan, husband of Alianore, *suo jure* Baroness Maltravers, was summoned to Parliament, doubtless *jure uxoris*, not as Lord Maltravers, but as

LORD ARUNDEL, from the 4th of August, 1377, 1st Richard II., to the 20th of October, 1379, by Writs directed to "Johanni de Arundel," and there is proof on the Rolls of Parliament of his sitting. Neither his son nor his grandson were summoned to Parliament either as Lords Arundel or Lords Maltravers. The Barony of Maltravers was, by Act of Parliament in 1627, entailed with the Castle of Arundel under limitations which have been already specified; but if the Barony of Arundel can be established to be a separate Barony from that of Maltravers, it is at present in abeyance between Lord Mowbray, Segrave, and Stourton, and Lord Petre.

Robert de Ferrers, husband of Elizabeth, *suo jure* Baroness le Boteler de Wemme, was summoned to Parliament (see p. 968) as Lord Ferrers de Wemme. If this can be held to be a separate Barony from the Barony of le Boteler de Wemme, it is at present also in abeyance between the six co-heirs mentioned on page 969.

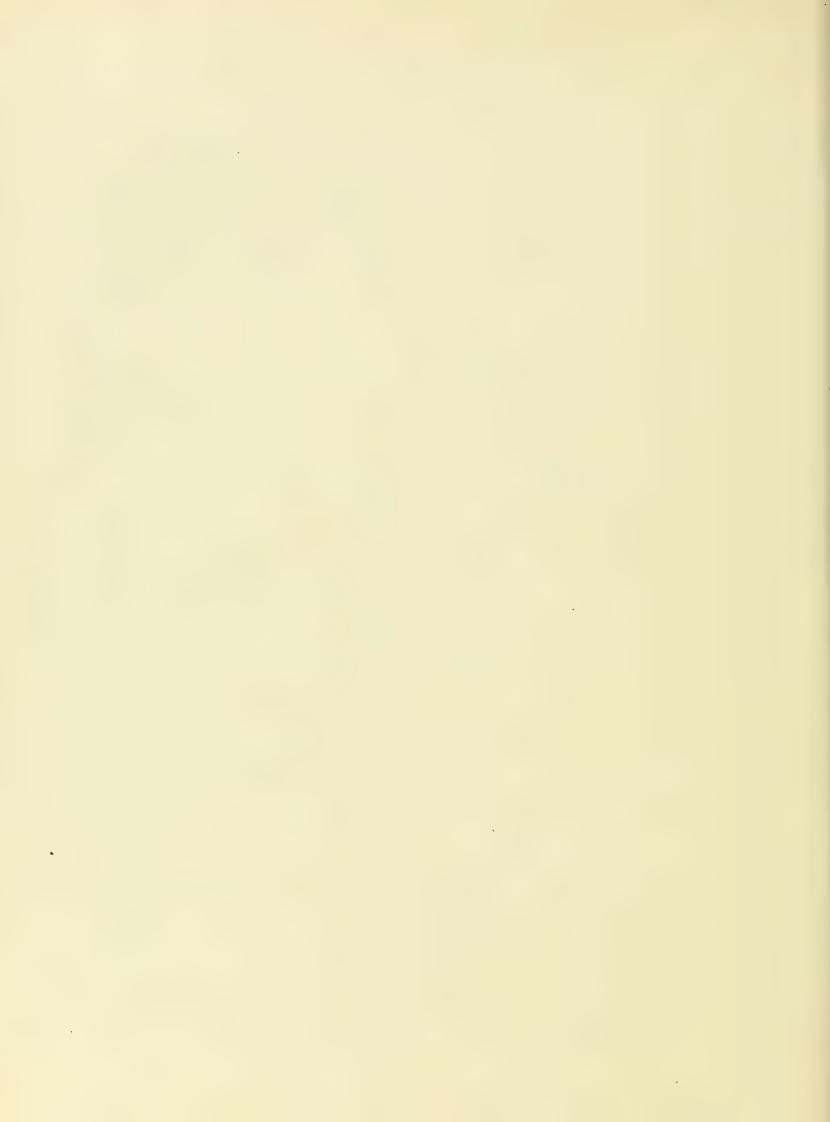
Thomas Darcy, eventually the heir male of the Darcy family, and a person of considerable distinction in the reign of Henry VII., was summoned to Parliament as a Baron from the 17th of October (1509) 1st of Henry VIII. to the 3rd of November (1529), 21st of Henry VIII. by Writs directed to "Thomæ Darcy de Darcy Chl'r," but on the 5th of January (1533-34), 25th of Henry VIII., the description added to his Writ was "de Temple Hirst." He was therefore LORD DARCY or LORD DARCY DE TEMPLE HIRST. He was convicted of high treason on the charge of delivering up Pontefract Castle to the rebels, and attainted and was executed on Tower Hill the 20th of June, 1538. His son and heir, Sir George Darcy, was restored in blood by Act of Parliament and to the dignity of Baron Darcy to him and the heirs male of his body; but the peculiar wording of the Act led Mr. Townsend to write: "I cannot but think that the fair construction is that, upon the failure of the heirs male of his body, the heirs general are let into the inheritance." At the death of Lord Darcy in 1557 he was succeeded by his son John, Lord Darcy, who was succeeded by his grandson, also John, Lord Darcy, whose last Writ, for some unaccountable reason, was directed "Johanni Darcy et Meinill"; for though descended from the Lords Meinill, he was not a co-heir to the Barony of Meinill. He died without issue in 1635, and his only sister and heir was Anne, wife of Henry Savile, of Copley. Concerning this Barony of Darcy a note in the "Complete Peerage" is as follows: "Any right that could accrue to the heir *general* under the restoration of 1548, as also the right to the original Barony of Darcy, by Writ, 1509, *subject to the reversal of the attainder thereof* in 1538, vests in the descendants of Anne, wife of Henry Savile, of Copley, Co. York. Her representatives (through the family of Howard) are: (1) Lord Mowbray, Segrave, and Stourton; and (2) Lord Petre."



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APPENDIX.

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## THE CHEVALIER CHARLES STOURTON (see pages 319 and 320).

The *Magna Britannia* in 1731, in speaking of this gentleman, says : "There died at Turin in Savoy Mr. Stourton, a Knight of the Order of St. Laurence and St. Maurice, a gentleman of great worth, who was Master of the Horse to the Princess Louisa of Savoy, and Governor of the Princes Maurice, Eugene and Immanuel de Soissons, and afterwards served under Prince Eugene in the wars of Hungary and Italy with great reputation. He died about February, 1724."

From an old MS. mentioned before (see page 316), and now in the possession of Lord Mowbray, Segrave, and Stourton, the following (written on the back of the said pedigree) is taken : " Nous certifions que les defunts Matheu Stourton, Henry Stourton, et Philippe Stourton, Pere, grand Pere, et Bisaieul, de S<sup>r</sup> charles Stourton nôtre cher cousin, qui à été fait chevalier de L'ordre de Saint Maurice par le Duc De Savoye, presentement Roi de Sardagne, out toujours étés Catholiques, Apostoliques, et Romains, et que Bridget Blount, Frances Best, sa Mere, et Grande Mere, étoient aussi de La ditte Religion, de même que Francois Blount, Mary Havard, &c., N.N., cest ceque nous declarons et àtestons icy, et que Philippe Stourton son Bisaieul, étoit pêtit fils de My Lord Charles Stourton en foi de quoy à Stourton dans le province de Dorsett, ce . . . 1721..

THOMAS LORD STOURTON.

CHARLES STOURTON.

N.....  
N.....<sup>17</sup>

The following are copies (with translations) of various documents and certificates relating to the Chevalier Charles Stourton preserved in the Archives of the Order of St. Maurice and St. Lazarus :

I. " Regi Magis<sup>ti</sup> Archivj dell'Ordine Mauriz<sup>no</sup>.

PROROGA per il Sig<sup>r</sup> CARLO STOURTON, Inglese, di far le Prove di Nobilta due ami dopo seguita la Pace.

#### VITTORIO AMEDEO II<sup>o</sup>.

PER GRAZIA DI DIO, DUCA DI SAVOIA, PRINCIPE DI PIEMONTE, RE DI CIPRO, E DELLA SACRA RELIGIONE DE'SANTI MAURIZIO E LAZZARO, UMILE, E GENERALE GRAN MASTRO.

Alle supplicazioni di CARLO STOURTON, Inglese, postulante l'Abito e Croce della Sacra Religione, ed Ordine Nostro Militare de'Santi Maurizio e Lazzaro, abbiamo concesse le Commissionali per le sue prove di nobilta, vita e costumi ; e venendo ora supplicati di concedergli una proroga per far quelle di detta Nobilta, per non aver egli in pronto tutte le scritture necessarie, siamo volentieri a cio condiscesi ; che pero in virtu del presente di nostra certa scienza, ed autorita Magistrale partecipato il parere del Consiglio di detta Sacra Religione, abbiamo prorogato e proroghiamo al predetto CARLO STOURTON, Inglese, il tempo per anni due dopo seguita la Pace a poter fare dette sue prove di Nobilta, VOLENDO INTANTO CHE SOVRA quelle di vita e costumi, che gli riuscirà in pronto di fare sia ammesso all'Abito e Croce predetti, non ostante la disposizione delle prenarrate Commissionali, Costituzione Mag<sup>h</sup> Reg<sup>e</sup> Stili, ed altro in contrario, al che tutto abbiamo derogato e deroghiamo in virtu di detta Autorita nostra, e senza tratto di conseguenza, attesa la singolarita del caso ; al qual effetto mandiamo al suddetto Consiglio di cosi osservare, ed al Cav<sup>e</sup> Comm<sup>s</sup> di cosi eseguire e regolarsi, che tal'e nostra mente.

Dato alla Venezia li 31 Marzo 1710.

Firmato : V. AMEDEO.

Sottoscritto : D. ANTONIO PROVANA, Gran Mar<sup>o</sup>.

„ D. M. PALLAVICINO.

„ D. GASPARE MOROZZO, Gran Canc<sup>e</sup>.

„ D. LUDOVICO DI MORETTA, Aud<sup>e</sup> Gen<sup>e</sup>.

MOROZZO.

Per copia conforme desunta dal Registro Provvisioni della Sacra Religione ed Ordine Militaire de Santi Maurizio e Lazzaro dall' anno 1701 al 1712. a carte 124. Torino 5. Luglio, 1898.

ENRICO BRIZIO-FALLETTI Capo Archivista del Gran Magistero Mauriziano.

V<sup>o</sup> P. Il Primo Ufficiale

L. VALLAURI.

Carta da Bollo . L1.20

Diritto d'Archivio 2

Esatte L3.20 "

The following is a translation :

Royal Magisterial Archives of the Mauritian Order.

PROROGATION granted to MR. CHARLES STOURTON, an Englishman, to enable him to adduce Proofs of Nobility within Two Years from " when Peace has ensued."

#### VICTOR AMEDEUS II.

BY THE GRACE OF GOD DUKE OF SAVOY, PRINCE OF PIEDMONT, KING OF CYPRUS, AND OF THE HOLY RELIGION OF ST. MAURICE AND ST. LAZARUS, THE HUMBLE GRAND MASTER GENERAL.

At the supplications of CHARLES STOURTON, an Englishman, postulating the Habit and Cross of Holy Religion and Our Military Order of Saint Maurice and Saint Lazarus, We have issued Letters Commissional for him to adduce proofs as to (his) "nobility," life and conduct, and having now been besought to grant him a prorogation for proving his noble extraction as aforesaid, on the ground of his not having all the necessary papers in readiness, We have willingly condescended so to do. NOW THEREFORE in virtue of these presents with Our full knowledge and by Our Magisterial Authority, having elicited the opinion of the Council of the Holy Religious Order aforesaid, We have prorogued and do hereby prorogue the time allowed to the said Englishman CHARLES STOURTON for two years from when Peace has ensued to enable him to give proof of his nobility, it being Our Will, however, that upon his furnishing proofs as to his life and conduct, which he shall soon be prepared to do, he shall be permitted to assume the Habit and Cross aforesaid, the provisions of the above-mentioned Letters Commissional, the Magisterial and Royal Constitutions, Styles or any other dispositions to the contrary notwithstanding : to all of which We have consented and do hereby consent in virtue of Our Authority aforesaid, though in view of the singularity of the case no consequences are

to be drawn from this Our act, WHEREFORE WE HEREBY COMMAND the above-mentioned Council to take notice of this and the Knight Commander to carry it out and conform thereto—"For We are thus minded."

Given at Venice, March 31, 1710.

*Signed:* V. AMEDEO.

*Witnessed by:* { D. ANTONIO PROVANA, High Steward.  
D. M. PALLAVICINO.  
D. GASPARE MOROZZO, High Chancellor.  
D. LUDOVICO DI MORETTA, Auditor General.  
MOROZZO.

This is a true copy taken from the Register of Provisions of the Holy Religious and Military Order of Saint Maurice and Saint Lazarus for the Years from 1701 to 1712, Folio 124.

Turin, 5 July, 1898.

(*Signed*) ENRICO BRIZIO-FALLETTI, Chief Keeper of the Archives of  
the Grand Magistry of the Order of St. Maurice.

(*Signed*) For the Head Official,  
L. VALLAURI.

(*Here are two Official Seals.*)

(*Fees paid :*)

Stamped Paper	Lire	1.20
Archive Dues	"	2.—
Total	Lire	<u>3.20</u>

II. "Regi Magist<sup>ri</sup> Archivj dell' Ordine Mauriz<sup>no</sup>."

VITTORIO AMEDEO II.

PER GRAZIA DI DIO, DUCA DI SAVOIA, PRINCIPE DI PIEMONTE, RE DI CIPRO, E  
DELLA SACRA RELIGIONE DE' SANTI MAURIZIO E LAZZARO, UMILE, E GENERALE  
GRAN MASTRO.

Conseglio della Sacra Religione ed Ordine nostro Militare de' Santi Maurizio e  
Lazzaro; entrate, e fate buona ne'conti del Teseriere della medesima Francesco

Vittorio Collietti la somma di scudi vent'otto d'oro, da lire sette e soldi cinque caduno per altrettanti che sono dovuti al Tesoro di detta Sacra Religione per gli emolumenti delle Provvisioni da Noi concesse a favore di CARLO STOURTON, Inglese, e del presente discarico, de'quali scuti 28 d'oro, come sovra, Noi per degne considerationi l'animo nostro moventi, abbiamo fatto e facciamo grazia al medesimo; vogliamo pertanto che mediante questo, e con la fede dell'istesso STOURTON, o di suo legittimo Procuratore di averne gioito, resti il predetto Tesoriere per tal somma di scuti 28 d'oro sufficientemente scaricato ne'suoi Conti appresso di voi e visitatori d'essi come Noi sin d'ora lo scarichiamo. Che percio'vi ordiniamo di cosi osservare e far osservare, e d'interinare, ammetter et approvare il presente in tutto e per tutto secondo sua forma, mente e tenore non ostante le Costituzione, Ordini Magistrali, et ogni altra cosa in contrario al che tutto abbiamo derogato e deroghiamo senza pero tratto di conseguenza attesa la singolarita del caso che tal'e nostra mente.

Dato alla Venezia li 31 Marzo 1710.

Firmato : V. AMADEO.

Sottoscritti : D. ANTONIO PROVANA Gran Mar<sup>lo</sup>.  
 D. M. PALLAVICINO.  
 D. GASPARE MOROZZO Gran Canc<sup>re</sup>.  
 D. LUDOVICO DI MORETTA Aud<sup>re</sup> Gen<sup>e</sup>.  
 MOROZZO.

Per copia conforme desunta dal Reg<sup>tro</sup> Provvisioni della Sacra Religione ed Ordine Militare de Santi Maurizio e Lazzaro dall'anno 1701. al 1712. a pagina 123.

Torino 5. Luglio 1898.

Enrico Brizio-Falletti Capo Arch<sup>lo</sup> del G. Magistero Mauriziano  
 V<sup>o</sup> P. Il Primo Ufficiale  
 L. VALLAURI.

Carta da Bollo . L 1.20.

Diritto d'Archivio „ 2.

Esatte L 3.20 "



The following is a translation of the foregoing :

Magisterial Archives of the Mauritian Order.

## VICTOR AMEDEUS II.

BY THE GRACE OF GOD DUKE OF SAVOY, PRINCE OF PIEDMONT, KING OF CYPRUS,  
AND OF THE HOLY RELIGION OF SAINT MAURICE AND SAINT LAZARUS, THE  
HUMBLE GRAND MASTER GENERAL.

(To the) Council of the Holy Religion and Our Military Order of the Saints Maurice and Lazarus : The sum of twenty-eight *scudi* in gold, value seven *lire* and five *soldi* each, having been paid and entered in the Books of Account of the Treasurer of the said Holy Order Francesco Vittorio Collietti in discharge of the same amount due to the said Treasury of the Order in consideration of the Provisions conceded by Us in favour of CHARLES STOURTON, An Englishman, whereof these presents are a valid receipt, WE, acting upon certain worthy considerations by which Our Soul is moved, graciously remit to him such payment of 28 *scudi* in gold aforesaid. It Being Therefore Our Will that, in consideration thereof and believing that the said Stourton or his lawful Procurator rejoice thereat, full discharge shall hereby be given to the said Treasurer of the amount named, in respect of his accounts, as between him and You or your visitors, even as We henceforth do discharge him. AND WE THEREFORE ORDER YOU to observe this and cause it to be observed, and to record admit and record these presents to their full extent and for all purposes according to their form, spirit and tenour ; the Constitutions, Magisterial Orders and any other provisions to the contrary notwithstanding ; to all of which we have consented and hereby do consent, though in view of the singularity of the case, no consequences are to be drawn from this Our Act "FOR WE ARE THUS MINDED."

Given at Venice, March 31st, 1710.

Signed: V. AMEDEO.

Witnessed by :	{	D. ANTONIO PROVANA, High Steward.
		D. M. PALLAVICINO.
		D. GASPARE MOROZZO, High Chancellor.
		D. LUDOVICO DI MORETTA, Auditor General.
		MOROZZO.

This is a true copy taken from the Register of Provisions of the Holy Religious

and Military Order of St. Maurice and St. Lazarus for the years from 1710 to 1712, Folio 123.

Turin, July 5th, 1898.

(Signed) ENRICO BRIZIO-FALLETTI, Chief Keeper of the Archives of the Grand Magistry of the Mauritian Order.

For the Head Official

(Signed) L. VALLAURI.

(Here are two Official Stamps.)

(Fees paid:)

Stamped Paper Lire 1.20.

Archive Dues „ 2.

Total 3.20

### III. “ Regi Magist<sup>ti</sup> Archivj dell' Ordine Mauriz<sup>no</sup>.

ORDINE AL SIG<sup>ro</sup> TESORIERE COLLIETTI A FAVORE DEL SIG<sup>ro</sup> CARLO STOURTON, INGLESE.

Sendosi S.A.R. degnata con il discarico delli 31 del scaduto Marzo verso il Tes<sup>ro</sup> Gen<sup>ro</sup> AYMO FERRERO di scuti Cento Cinquanta d'oro d'Italia da L 7.5 cad<sup>e</sup>, indenizzare il Tesoro di questa Sacra Religione per simile somma dovuta dal Sig<sup>r</sup> CARLO STOURTON Inglese, per il di lui passaggio all'Abito e Croce di Cavaliere d'essa; Ordiniamo al Signor Tesoriere Collietti di ritirare appresso di se per dinaro contante il suddetto discarico, con la contenta del predetto Sig<sup>r</sup> STOURTON con procurarne la scossa dal detto Tesoriere Generale, e di spedire intanto a favore del medesimo la sua quitanza di detti scuti 150 d'oro come sovra per tale suo passaggio, che mediante questo debitamente spedito, sottoscritto e sigillato ne sara per essi scuti 150 d'oro sufficientemente scaricato ne'suoi Conti appresso li Sig<sup>ri</sup> Esaminatori d'essi, rimossa ogni difficolta.

Dato in Torino li 2 Aprile 1710.

Sottoscritti: D. ANTONIO PROVANA, Gran Mar<sup>lo</sup>.  
 D. GASPARE MOROZZO, Gran Canc<sup>re</sup>.  
 D. LUDOVICO DI MORETTA, Aud<sup>o</sup>. Gen<sup>o</sup>.  
 D. GUISEPPE PROVANA, Gran Cons.  
 MOROZZO.

Per copia conforme desunta dal Reg<sup>tro</sup> Provvisioni della Sacra Religione ed Ordine Militare de Santi Maurizio e Lazzaro dall' anno 1701 al 1711, a pagina 123.

Torino 5. Luglio 1898.

ENRICO BRIZIO-FALLETTI Capo Archivista del G. Magistero Mauriziano.

V<sup>o</sup> P. Il Primo Ufficiale

L. VALLAURI.

Carta da Bollo . Lire 1.20

Diritto d'Archivio „ 2

Esatte Lire 3.20."

The following is a translation of the foregoing :

Royal Magisterial Archives of the Mauritian Order.

AN ORDER TO THE TREASURER COLLIETTI IN FAVOUR OF MR. CHARLES STOURTON,  
AN ENGLISHMAN.

HIS ROYAL HIGHNESS having deigned, by the delivery of a receipt, dated the 31st of March last, from the TREASURER GENERAL AYMO FERRERO, for (the sum of) one hundred and fifty Italian *scudi* in gold, value £7 5s. each, to indemnify the Treasury of this Holy "Religion" (or Order) for a like sum owing by MR. CHARLES STOURTON, an Englishman, in consideration of his being allowed to assume the Habit and Cross of Knighthood of the said Order, WE HEREBY COMMAND the Treasurer Collietti to dispossess himself of the said receipt in exchange for ready money, with the assent of the said Mr. Stourton—obtaining the payment of such money by the said Treasurer General—and in the meantime to issue, in his (Stourton's) favour, his (Collietti's) receipt for the said 150 *scudi* in gold for the assumption of Knighthood aforesaid; so that, by means of such receipt duly signed sealed and delivered, he shall be sufficiently discharged from liability in respect of the said 150 *scudi*, for the purposes of settlement of his Accounts to the satisfaction of the gentlemen appointed to examine the same, and that any difficulty shall be thus obviated.

Given at Turin, April 2nd, 1710.

Witnessed by: { D. ANTONIO PROVANA, High Steward.  
D. GASPARE MOROZZO, High Chancellor.  
D. LUDOVICO DI MORETTA, Auditor General.  
D. GIUSEPPE PROVANA, High Counsellor  
MOROZZO.

This is a true copy taken from the Register of Provisions of the Holy Religious and Military Order of the Saints Maurice and Lazarus for the years from 1701 to 1711, Folio 123.

Turin, July 5th, 1898.

(Signed) ENRICO BRIZIO-FALLETTI, Chief Keeper of the Archives of the Grand Mauritian Magistrery.

For the Head Official,

(Signed) L. VALLAURI.

(Here are two Official Seals.)

(Fees paid :)

Stamped Paper    Lire 1.20

Archive Dues        „    2

Lire 3.20.

#### IV. “ Regi Magist<sup>ri</sup> Archivj dell' Ordine Manriz<sup>no</sup>.

ORDINE AL CONSIGLIO DELLA SACRA RELIGIONE DI FAR PAGARE DAL TESOR<sup>e</sup> DELLA MEDESIMA A CARLO STOURTON INGLESE, LE SPESE NECESSARIE PER IL CAVALIERATO.

#### VITTORIO AMEDEO II.

PER GRAZIA DI DIO, DUCA DI SAVOIA, PRINCIPE DI PIEMONTE, RE DI CIPRO, E DELLA SACRA RELIGIONE DE' SANTI MAURIZIO E LAZZARO, UMILE, E GENERALE GRAN MASTRO.

Conseglio della Sacra Religione, et Ordine nostro Militare de' Santi Maurizio e Lazzaro. Abbiamo per discarico da noi firmato sotto li 31 dell' or scaduto mese di Marzo fatto dono a Carlo STOURTON, Inglese, di scuti Cento Cinquanta d'oro da 7.5 cad<sup>o</sup> per soddisfare al di lui passaggio all'Abito e Croce di detta Sacra Religione, et insieme fattogli grazie d'altri scuti vent'otto d'oro simili dal medesimo dovuti per li emolumenti al Tesoro d'essa come per altro nostro Piscar<sup>co</sup> dell'istesso giorno a Voi diretto ; e volendo fargli godere pienamente delle nostre gratie per le altre spese che sono necessarie per la Promossione al predetto Cavalierato, Vi diciamo di fargli quelle pagare dal Tesoriere di detta Sacra Religione COLLIETTI, conforme alla nota, che li

sara rimessa dal Controllore Generale d'essa Lanfranchi; Volendo che tal nota mediante, et il presente, con la quitanza del prefato Carlo STOURTON, o suo Procuratore di averne gioito, ne resti detto Tesoriere, per la somma che avra in tal conformita pagata, scaricato ne'suoi Conti dalli Esaminatori d'essi, come noi sin d'ora lo scarichiamo; e cio tutto ostante gli Ordini, stili e constitutioni in contrario, a'quali abbiamo derogato e deroghiamo per questo atto solamente che non potra addursi in esempio in avvenire attese la singolarita del caso. Tanto dunque eseguite, che tal'e nostra mente e Dio Nostro Signore Vi conservi.

Dato in Torino li 4 Maggio 1710.

Firmato : V. AMEDEO.

Sottoscritti : D. ANTONIO PROVANA, Gran Mar<sup>lo</sup>.

D. M. PALLAVICINO.

D. GASPARE DI MOROZZO Gran Canc<sup>e</sup>.

D. LUDOVICO DI MORETTA Aud<sup>e</sup> Gen<sup>e</sup>.

MOROZZO.

Per copia conforme desunta dal Registro Provvisioni della Sacra Religione ed Ordine Militare de Santi Maurizio e Lazzaro dall'anno 1710 al 1712 a Pagina 132.

Torino 5. Luglio 1898.

ENRICO BRIZIO-FALLETTI Capo Archivista del Gran Magistero Mauriziano.

V<sup>o</sup> P. Il Primo Ufficiale,

L. VALLAURI.

Carta da Bollo . L 1.20

Diritto d'Archivio „ 2

Esatte L 3.20.”

The following is a translation of the foregoing :

Royal Magisterial Archives of the Mauritian Order.

AN ORDER TO THE COUNCIL OF THE SACRED "RELIGION" (OR ORDER) TO PAY OUT OF THE TREASURY TO CHARLES STOURTON, AN ENGLISHMAN, THE NECESSARY EXPENSES IN CONNECTION WITH (HIS) KNIGHTHOOD.

VICTOR AMADEUS II.

BY THE GRACE OF GOD DUKE OF SAVOY, PRINCE OF PIEDMONT, KING OF CYPRUS, AND OF THE SACRED "RELIGION" OF THE SAINTS MAURICE AND LAZARUS, THE HUMBLE GRAND MASTER GENERAL.

To the Council of the Sacred "Religion" and Our Military Order of the Saints Maurice and Lazarus ; We have by means of a discharge (or receipt) signed by Us under date of the 31st of March last made a donation to Charles Stourton, an Englishman, of one hundred and fifty *scudi* in gold, value Lire, 7.5 each, in settlement of the fees entitling him to assume the Habit and Cross of the said Sacred Religion (or Order), And We at the same time remitted to him another (sum of) twenty-eight *scudi* in gold of similar value, being the emoluments owing to the Treasury, as appears from another discharge of Ours dated the same day and addressed to You ; And wishing to give him the full benefit of Our Grace in regard to the other expenses necessary for the Promotion of the above-mentioned Knighthood, We hereby desire You to cause such expenses to be paid by the Treasurer of the said Sacred Religion, Collietti, conformably to the Note which will be handed to him by the Comptroller-General of the same ; It being Our Will that by means of such Note and of these Presents, together with the receipt of the said CHARLES STOURTON or of his Procurator, acknowledging the benefit thereof, the said Treasurer shall, in respect of the sum which he shall accordingly have paid, be acquitted of any liability regarding his accounts, as between him and the Examiners of such accounts, even as We by these Presents acquit him ; and this any Orders, Styles or Constitutions to the contrary notwithstanding, to which We have consented and by this Act do consent, but only on condition that it shall not be adduced as an example (or precedent) in future, in view of the singularity of the case. This You are therefore bid to carry out for We are so minded and May the Lord Protect You

Given at Turin, May 4th, 1710.

*Signed :*

V. AMADEO.

D. ANTONIO PROVANA, High Steward.

D. M. PALLAVICINO.

*Witnessed by :*

D. GASPARE DI MOROZZO, High Chancellor.

D. LUDOVICO DI MORETTA, Auditor General.

MOROZZO.

This is a true copy taken from the Register of Provisions of the Holy Religion and Military Order of the Saints Maurice and Lazarus for the years from 1710 to 1712, Folio 132.

Turin, July 5th, 1898.

(Signed) ENRICO BRIZIO-FALLETTI, Chief Keeper of the Archives of the Grand Mauritian Magistrery.

For the Head Official,

(Signed) L. VALLAURI.

(Here are two Official Seals.)

(Fees Paid :)

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Total Lire 3.20.

V. " Regi Magist<sup>ri</sup> Archivj dell'Ordine Mauriz<sup>no</sup>.

SESSIONE DELL'ECCELL<sup>mo</sup> E REV<sup>mo</sup> CONSIGLIO DELLA SACRA RELIGIONE DE'SANTI MAURIZIO E LAZZARO DELL' OTTO MAGGIO 1710.

L'anno del Signore mille settecento dieci ed alli otto di maggio in Torino nel Palazzo dell'Ill<sup>mo</sup> Sig<sup>r</sup> Conte di Collegno, Giudicialmente avanti l'Eccell<sup>mo</sup> e Rev<sup>mo</sup> Consiglio della Sacra Religione de Santi Maurizio e Lazzaro in cui sono intervenuti li Ill<sup>mi</sup> et Eccell<sup>mi</sup> S<sup>i</sup>S<sup>i</sup> Cavalieri Gran Croce e Consiglieri infrascritti cioe Il prefato Signor Conte.

PROVANA DI COLLEGNO Gran Maresciallo.

Il Marchese PALLAVICINO Gran Scudiere di S. A. R. . . .

Il Marchese DI MOROZZO Gran Cancelliere. . . .

Il Presidente MOROZZO Gran Tesoriere.

Il Cav<sup>e</sup> DI MORETTA Audit<sup>r</sup> Generale.

Il Conte DI PROVANA Gran Conservatore ed Il Marchese di CANOSIO fungenti la dignita di Gran Hospitaliere con intervento ed assistenza delli Sig<sup>i</sup> Cavalieri et Avvocati Patrimoniali Generali Bosso e Calcaterra e del Sig<sup>r</sup> Bordoni fungente la Carisa de Patrimoniale Generale.

Il Signor Cavaliere et Avv<sup>te</sup> Patrimoniale Generale Calcaterra ha rifferto il Biglietto delli 4. maggio mille settecento dieci per cui S.A.R. manda al consiglio di far pagare dal Sig Tesoriere Collietti al Signor Carlo Stourton Inglese le spese



necessarie per il Can<sup>ie</sup> del medesimo nella Sacra Religione conforme alla nota che li sarà rimessa dal Signor Controllore Generale Lanfranchi, Avendolo già gratiato dell' intero passaggio et emolumenti dovuti per detto Cavalierato.

L'ECCELL<sup>mo</sup> CONSIGLIO Udita la Relatione di detto Biglietto ha ordinato doversi osservare il disposto di detto Biglietto, et in sua osservanza Mandar come manda al suddetto Signor Tesoriere Collietti di pagare l'ammontare di dette spese conforme alla nota da rimetterseli come sopra.

Per copia conforme desunta dal Registro sessioni dell'Eccell<sup>mo</sup> e Rev<sup>mo</sup> Consiglio della Sacra Religione de Santi Maurizio e Lazzaro dal Febbrajo 1708. a tutto Febbrajo 1715 C. 18.

Torino 5. Luglio 1898.

ENRICO BRIZIO-FALLETTI Capo Arch<sup>ta</sup> del G. Magistero Mauriziano.

V<sup>o</sup>. P. Il Primo Ufficiale,

L. VALLAURI.

Carta da Bollo . L 1.20

Diritti d' Archivio 2

Esatte L 3'20 "

The following is a translation of the foregoing :

Royal Magisterial Archives of the Mauritian Order.

SESSION OF THE MOST EXCELLENT AND MOST REVEREND COUNCIL OF THE HOLY RELIGIOUS ORDER OF THE SAINTS MAURICE AND LAZARUS OF THE EIGHTH OF MAY, 1710.

In the Year of Our Lord One thousand seven hundred and ten on the eighth day of May at Turin in the Palace of the Most Illustrious Signor Count di Collegno, Judicially before the Most Excellent and Very Reverend Council of the Holy Religious Order of the Saints Maurice and Lazarus, of which there formed part the undersigned Most Illustrious and Most Excellent Knights Grand Cross and Councillors, that is to say, the above-named Signor Count Provana di Collegno High Steward . . . The Marquis Pallavicino, Grand Escutcheon Bearer (or Esquire) to H.R.H . . . The Marquis di Morozzo, High Chancellor . . . President Morozzo,

High Treasurer . . . The Knight Di Moretta, Auditor General . . . Count Di Provana, High Conservator, and Marquis di Canosio holding the dignity of Grand Hospitaller, with the intervention and assistance of the Knights and Patrimonial Advocates General Bosso and Calcaterra and of Signor Bordoni acting in the capacity of "Patrimonial" General. The Knight Patrimonial Advocate-General Calcaterra gave an account of the Decree dated the fourth of May One thousand seven hundred and ten whereby H.R.H. commands the Council to cause Signor Collietti, the Treasurer, to pay Charles Stourton, an Englishman, the necessary expenses for his admission to this Holy Religious Order conformably to a Note which shall be handed to him by Signor Lanfranchi, Comptroller-General, the whole of the Admission Fees and Emoluments owing in respect of his Knighthood aforesaid having already been remitted to him.

The Most Excellent Councils having heard the account of the said Decree ordered the dispositions contained therein to be carried out, and pursuant thereto decided to command, and hereby does command, Signor Collietti, the Treasurer above named, to pay the amount of the said expenses conformably to the Note to be delivered as stated.

This is a true copy taken from the Register of Sessions of the Most Excellent and Very Reverend Council of the Holy Religious Order of the Saints Maurice and Lazarus for the period from February 1708 to February 1715, Folio 18.

Turin, July 5th, 1898.

(*Signed*) ENRICO BRIZIO-FALLETTI, Chief Keeper of the Archives of  
the Grand Mauritian Magistry.

(*Signed*) For the Head Official,  
L. VALLAURI.

(*Here are two Official Seals.*)

<i>(Fees paid :)</i>	
Stamped Paper	Lire 1.20
Archive Dues	„ 2.
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VI. " Regi Magist<sup>ri</sup> Archivj dell' Ordine Mauriz<sup>no</sup>.

SESSIONE DELL' ECCELL<sup>mo</sup> E REV<sup>mo</sup> CONSIGLIO DELLA SACRA RELIGIONE DE' SANTI  
MAURIZIO E LAZZARO DEL 27. GIUGNO 1710.

L'anno mille settecento dieci ed alli ventisette del mese di giugno in Torino nel Palazzo dell' Ill<sup>mo</sup> Sig<sup>r</sup> Conte di Collegno, Giudicialmente avanti l'Eccl<sup>mo</sup> e Rev<sup>mo</sup> Consiglio della Sacra Religione de S<sup>i</sup>S<sup>i</sup> Maurizio e Lazzaro in cui sono intervenuti li Ill<sup>mi</sup> et Excell<sup>mi</sup> Sig<sup>i</sup> Cavalieri Gran Croce e Consigliere infrascritti cioe ; Il Prefato Sig Conte PROVANA DI COLLEGNO Gran Maresciallo—Il Marchese PALLAVICINO Gran Scudiere de S.A.R. Il Marchese DI MOROZZO Gran Cancelliere—Il Presidente MOROZZO Gran Tesoriere—Il Cavaliere DI MORETTA Auditore Generale—Il Conte PROVANA Gran Conservatore et il Marchese DI CANOSIO fongente la Dignita di Gran Ospitaliere, con intervento ed assistenza delli S<sup>i</sup>S<sup>i</sup> Cavalieri ed avvocati Patrimoniali Generali Bosso e Calcaterra e del Sig<sup>r</sup> Bordoni fungente la carisa di Patrimoniale Generale . . .

Il Primo Secretaro ha riferte le prove di vita e Costumi del Signor CARLO STOURTON Inglese, con il Biglietto di proroga per fare quelle di Nobilta fra il termine portato dal medesimo inserto nelli atti di dette prove.

L'ECCELL<sup>mo</sup> e REV<sup>mo</sup> CONSIGLIO Ha quelle approvate, et adnesso detto Sig<sup>r</sup> CARLO STOURTON alla Croce ed Abito di detta Sacra Religione in tutto e per tutto conforme alle Testimoniali d'admissione di cui in piede delli Atti di dette Prove.

Per copia conforme desunta dal Registro Sessione dell' Eccl<sup>mi</sup> e Rev<sup>mi</sup> Consiglio della Sacra Religione de Santi Maurizio e Lazzaro dal Febbrajo 1708 a tutto Febbrajo 1715 a Carte 20 . . .

Torino 5. Luglio 1898.

ENRICO BRIZIO-FALLETTI Capo Archivistà del Gran Magistero Mauriziano

V<sup>o</sup> P. Il Primo Ufficiale  
L. VALLAURI.

Carta da Bollo	Lire 1.20
Diritto d'Archivio	„ 2.
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Esatte	Lire <u>3.20</u> "

The following is a translation of the foregoing :

Royal Magisterial Archives of the Mauritian Order.

SESSION OF THE MOST EXCELLENT AND MOST REVEREND COUNCIL OF THE HOLY RELIGIOUS ORDER OF THE SAINTS MAURICE AND LAZARUS OF THE 27TH DAY OF JUNE 1710.

In the Year One thousand seven hundred and ten on the twenty-seventh day of the month of June at Turin in the Palace of the Most Illustrious Signor Count di Collegno, Judicially before the Most Excellent and Very Reverend Council of the Holy Religious Order of the Saints Maurice and Lazarus, whereof there formed part the undersigned most Illustrious and Most Excellent Knights Grand Cross and Councillors that is to say, the above-named Signor Count Provana di Collegno, High Steward—The Marquis Pallavicino, Grand Esquire to H.R.H. The Marquis Di MOROZZO, High Chancellor—President MOROZZO, High Treasurer—The Knight Di Moretta, Auditor General—Count Provana, Grand Conservator, and Marquis Di Canosio holding the dignity of Grand Hospitaller, with the intervention and assistance of the Knights Patrimonial Advocates-General Bosso and Calcaterra and Signor Bordoni acting in the capacity of "Patrimonial General."

The Chief Secretary gave an account of the proofs adduced by Mr. Charles Stourton An Englishman as to his life and habits, and of the Decree of Prorogation for the submission of proofs of his pedigree within the period therein specified and inserted in the "Acts" relating to the said proofs.

The Most Excellent and Very Reverend Council approved the same and permitted Mr. Charles Stourton to assume the Cross and Habit of the said Holy Religious Order, in every way and for all purposes conformably to the Testimonials of Admission mentioned at the foot of the "Acts of Proof" aforesaid.

This is a true copy taken from the Register of Sessions of the Most Excellent And Very Reverend Council of the Holy Religious Order of the Saints Maurice and Lazarus for the period from February 1708 to February 1715, Folio 20.

Turin, July 5th, 1898.

(Signed) ENRICO BRIZIO-FALLETTI, Chief Keeper of the Archives of the Grand Mauritian Magistery.

(Signed) For the Head Official,

L. VALLAURI.

(Here are two Official Seals.)

(Fees paid:)

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Total	Lire <u>3.20</u>

VII. "Regi Magist<sup>ti</sup> Archivj dell' Ordine Mauriz<sup>no</sup>.

TESTIMONIALI DI COLLAZIONE D'ABITO E CROCE DELL' ORDINE DE' SANTI MAURIZIO E LAZZARO A FAVORE DEL CAV. D. CARLO STOURTON.

L'Illustrissimo Signor Marchese D. Gaspar Maria Ludovico di Morozzo Cavaliere Gran Croce e Gran Cancelliere della Sacra Religione dell' Ordine Militare de Santi Maurizio e Lazzaro in qualita di Delegato da Sua Altezza Reale Generale Gran Mastro, nell'Oratorio dell'Ospedale di detta Sacra Religione ha conferto l'Abito e Croce d'essa al Signor Cavaliere D. Carlo STOURTON Inglese il quale in tale funzione ha avuto per Padrino o'sia Promotore il Signor Cavaliere BRIZIO e tra le molte persone presenti sono stati assunti per Testimoni li Signori Don Rossetti.

D. Dom M. Saudato.

In fede Torino li 23. Febbrajo 1711.

Per copia conforme desunta dal volume VIII<sup>o</sup> Documenti Diversi del Gran Magistero dall'anno 1676 a 1751. a 369.

Torino 5. Luglio 1898.

ENRICO BRIZIO-FALLETTI Capo Archivista del G. M<sup>i</sup> Mauriziano.

V<sup>o</sup> P. Il Primo Ufficiale

L. VALLAURI.

Carta da Bollo . L 1.20

Diritti d'Archivio 2

Esatte L 3.20 "

The following is a translation of the foregoing :

Royal Magisterial Archives of the Mauritian Order.

TESTIMONIALS OF COLLATION OF THE HABIT AND CROSS OF THE ORDER OF THE SAINTS MAURICE AND LAZARUS TO DOM CHARLES STOURTON, KNIGHT.

The Most Illustrious Marquis D. Gaspare Maria Lodovico di Morozzo Knight Grand Cross and High Chancellor of the Holy Religion of the Military Order of the Saints Maurice and Lazarus, acting in the capacity of Delegate of His Royal Highness the Grand Master General in the Oratory of the Convent of the said Holy

Religious Order, has conferred the Habit and Cross of the same upon Dom Charles STOURTON, Knight, who at that function had for his Sponsor or Introducer Signor Brizio, Knight, and from among the many persons present there were retained as witnesses the Signors Don Rossetti and D. Dom M. Sandato. In testimony whereof these Presents were given at Turin on the 23rd of February, 1711.

This is a true copy taken from Volume VIII. of Diverse Documents of the Grand Magistrery for the Years from 1676 to 1751, Folio 369.

Turin, July 5th, 1898.

(Signed) ENRICO BRIZIO-FALLETTI, Chief Keeper of the Archives of  
the Grand Mauritian Magistrery.

(Signed) For the Head Official,  
L. VALLAURI.

(Here are two Official Seals.)

(Fees paid :)

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Total Lire 3.20

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#### VIII. " Regi Magist<sup>ti</sup> Archivj dell' Ordine Mauriz<sup>no</sup>.

SESSIONE DELL' ECCELL<sup>mo</sup> E REV<sup>mo</sup> CONSIGLIO DELLA SACRA RELIGIONE DE' SANTI  
MAURIZIO E LAZZARO DEL 31. MAGGIO 1723.

L'anno del Signore Mille Settecento Ventitre ed alli Trent'uno del mese di Maggio in Torino, e nel Palazzo dell' Ill<sup>mo</sup> et Ecc<sup>mo</sup> Sig<sup>r</sup> Marchese di Morozzo Gentil<sup>mo</sup> della Camera di S. M. e Gran Cancelliere della Sacra Religione de' S S. Maurizio e Lazzaro, in cui si e congregato l'Ecc<sup>mo</sup> e Rev<sup>mo</sup> Consiglio della medesima, nel quale sono intervenuti col prefato Signor Marchese DI MOROZZO, gli Ill<sup>mi</sup> et Ecc<sup>mi</sup> SS<sup>ii</sup> Conte DI VERNONE, Ministro di Stato di S.M. e Grand' Ospitaliere. . . .

Marchese DI CANOSIO. . .

Conte MOROZZO DI MAGLIANO Gran Tesoriere.

Conte D. Ascanio BARATTA DI ST. AGNES Gerente la Dignita di Gran Conservatore. . . . tutti Cavaliere Gran Croce e Consiglio di detto Consiglio, con intervento pure di me PRIMO SEG<sup>no</sup> del Gran Magistero infr<sup>no</sup>, et assistenza del Sig<sup>r</sup> Cavaliere

et Avvocato Patrimoniale Generale D. Gabriele ANGIOLO e del Sig<sup>r</sup> Stefano BORDONI Gerente la Carica di Pat<sup>le</sup> Generale.

D'ordine di Sua Sacra Real Maesta Generale Gran Mastro, e stato presentato l'Arbore Genealogico concernente l'Antica Nobilita del Signor Cavaliere D. Carlo STOURTON, Inglese, Scudiere di S. A. Ser<sup>ssima</sup> la Sig<sup>a</sup> Principessa LOVISIA DI CARIGNANO, affine venisse da questo Sacro Cons<sup>io</sup> esaminato, se quello poteva servire di sufficiente prova per la Nobilita a de'quarti necessari provarsi dal medesima Sig<sup>e</sup> per esser indi DICHIARATO Cavaliere di Guistizia effettivo di questa Sacra Religione.

#### L'ECC<sup>mo</sup> E REV<sup>mo</sup> CONSIGLIO.

Visto et Essaminato attentamente il suddetto Arbore Genealogico, le Guistificazioni in esso enunciate, e Verificazione in pie' del medesimo fatta da Riccardo MAUVSON, ARCHIVISTA GEN<sup>e</sup> e entrato in sentimento poter il suddetto Arbore servire sufficientemente per dette Prove, stante che quelle non ponno farsi dal prenominato Sig<sup>r</sup> CAV<sup>e</sup> STOURTON, secondo le Costituzione di questa Sacra Religione, per non potersi far venire nella presente Citta le Scritture Originali concernenti le dette Prove, a causa che ne' Regni d'Inghilterra ni e lo stile in contrario, e non si puo a quelle far procedere per mancanza pure de Commissari. e cosi potersi da Sua Sacra Reale Maesta, Generale Gran Mastro, sovra le Prove di Nobilita non solo de' quarti necessari provarsi, ma anche di molti Ascendenti de' Bisavi si Paterni che Materni, risultanti da detto Arbore, Dichiarare detto Signor Cavaliere D. Carlo STOURTON Cavaliere di Guistizia effettivo; mediante pero che il detto Arbore sia riposto nell' Archivio di questa Religiosa Milizia, e cio sia senza tratto di conseguenza in avvenire attesa la particolarita del caso presente, avendo a tal' effetto il prefato Consiglio Commesso a me Primo Segretario del Gran Magistero di detta Sacra Religione infr<sup>to</sup> di farne estendere le opportune PATENTI a favore del prenominato Sig<sup>r</sup> CAV<sup>e</sup> CARLO STOURTON, per essere indi quelle presentate alla Signatura della Maesta Sua Generale Gran Mastro.

Per copia conforme desunta dal Reg<sup>to</sup> Sessioni dell' Eccell<sup>mo</sup> e Rev<sup>mo</sup> Consiglio della Sacra Religione ed Ordine Militare de Santi Maurizio e Lazzaro dall' anno 1722 al 1730. A Carte 38.

Torino 5. Luglio, 1898.

ENRICO BRIZIO-FALLETTI Capo Archivista del Gran Magistero Mauriziano.

V<sup>o</sup> P. Il Primo Ufficiale

L. VALLAURI.

Carta da Bollo . L. 1.20

Diritto d'Archivio 2

Esatta L. 3.20



The following is a translation of the foregoing :

Royal Magisterial Archives of the Mauritian Order.

SESSION OF THE MOST EXCELLENT AND MOST REVEREND COUNCIL OF THE HOLY  
RELIGIOUS ORDER OF THE SAINTS MAURICE AND LAZARUS OF THE 31ST OF MAY,  
1723.

In the year of our Lord one thousand seven hundred and twenty-three, on the thirty-first day of the month of May, at Turin, in the palace of the Most Illustrious and Most Excellent Marquis of Morozzo, a Gentleman of H.M.'s Chambers and High Chancellor of the Holy Religious Order of the Saints Maurice and Lazarus, whereat there congregated the Most Excellent and Very Reverend Council of the same, and whereof there formed part with the above-named Marquis DI MOROZZO, the Most Illustrious and Most Excellent Signors Count DI VERNONE, Minister of State to H.M. and Grand Hospitaller . . . Marquis DI CANOSIO . . . Count MOROZZO DI MAGLIANO, Grand Treasurer . . . Count D. Ascanio BARATTA DI St. AGNES, holding the dignity of Grand Conservator, all Knights Grand Cross and Members of the said Council, I, the undersigned Chief Secretary of the Grand Magistery intervening, and with the assistance of the Knight Patrimonial Advocate-General Signor D. Gabriele ANGIOLO, and of Signor Stefano BORDONI acting in the capacity of " Patrimonial General " ;

By Order of His Sacred Royal Majesty the Grand Master General there was presented the Genealogical Tree concerning the Ancient Nobility of D. Charles STOURTON, Knight, an Englishman, Esquire to Her Serene Highness the Princess LOUISA DI CARIGNANO, so that the said Tree might be examined by the said Holy Council and that it might be ascertained whether it could serve as sufficient proof of nobility and quarterings, which it was necessary for the above-named gentleman to prove to become " in Justice " declared a Knight of this Holy Religious Order.

THE MOST EXCELLENT AND VERY REVEREND COUNCIL, Having seen and carefully examined the said Genealogical Tree, the justifications therein enunciated, and the alterations at the foot thereof, made by Richard MAUWSON, Registrar-General, and being of opinion that the said Tree may serve as sufficient proof as aforesaid, inasmuch as the said Charles STOURTON Knight is not in a position to adduce proofs in the form prescribed by the Constitutions of this Order, it being impossible to have the original documents concerning such Proofs sent over to this City, since in the Kingdoms of Great Britain the " Styles " oppose this, while it

would be impossible for the examination of those proofs to be proceeded with in the absence of the Commissaries; whereas now it may be proved (or borne testimony to) by His Sacred Royal Majesty the Grand Master General, by way of Proof of Pedigree, that not only the necessary "quarterings" are present, but that the said Tree shows many ancestors of both the great-grandfathers and great-grandmothers (of the postulant); And that the said D. Charles STOURTON Knight was therefore to be declared an "effective Knight in Justice," on condition that the said Tree shall be deposited in the Archives of this Religious Order, and that no consequence shall be drawn from this in future, in view of the peculiarity of the present case. And the said Council in consequence committed to me the undersigned First Secretary of the Grand Magistry of the said Religious Order the duty of inditing the proper Letters of Nobility in favour of the said D. CHARLES STOURTON Knight, to be then submitted to His Majesty the Grand Master General for signature.

This is a true copy taken from the Register of Sessions of the Most Excellent and Very Reverend Council of the Sacred Religious and Military Order of St. Maurice and St. Lazarus for the Years from 1722 to 1730, Folio 38.

Turin, July 5th, 1898.

(Signed) ENRICO BRIZIO-FALLETTI, Chief Keeper of the Archives of  
the Mauritian Magistry.

(Signed) For the Head Official,  
L. VALLAURI.

(Here are two Official Seals.)

(Fees paid:)

Stamped Paper	Lire	1.20
Archive Dues	„	2.
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Total	Lire	<u>3.20</u>

IX. "Regi Magist<sup>ti</sup> Archivj dell'Ordine Mauriz<sup>no</sup>.

BIGLIETTO IN FORMA DI PATENTE A FAVORE DEL SIG<sup>r</sup> CAV<sup>e</sup> D. CARLO  
STOURTON.

VITTORIO AMEDEO II.

PER GRAZIA DI DIO, RE DI SARDEGNA DI CIPRO E DI GERUSALEMME, DUCA DI  
SAVOIA E DEL MONFERRATO, PRINCIPE DI PIERMONTE, &C., &C., E DELLA  
SACRA RELIGIONE DELL' ORDINE MILITARE DE SANTI MAURIZIO E LAZZARO.  
GENERAL GRAN MASTRO.

Abbiamo sotto li 8. Aprile, 1710 concesse le Commissionali a Carlo STOURTON, Inglese, per le sue Prove di Nobilta Vita e Costumi per essere indi adnesso all'Abito e Croce della Nostra Sacra Religione de' S.S. Maurizio e Lazzaro, con avergli permesso di fare quelle di Nobilta nella Citta di Londra, od altrove, e mandato che sovra quelle di Vita e Costumi Venisse adnesso all'Abito e Croce predetti, a'quali sendosi proceduto fu conferto sotto li 23 Febbraio 1711 al med<sup>o</sup> l'Abito e Croce suddetti; e restando ad esso difficile il poter avere dalla sua Patria le scritture provanti la Nobilta di'suoi quarti Paterni e Materni, non ha potuto far procedere a dette Prove; Onde Ci'ha presentato un'Arbore Genealogico non solo de'quarti necessari provarsi, ma anche di molti altri ascendenti de'Besavi si Paterni che Materni per la Prova dell'antica Nobilta de'medesimi, con supplicarci attese le giustifcazioni e sigillo de'quali in esso di volerlo dichiarare Cavaliere di Giustizia effettivo, il seguito al che avendo Noi ordinato al Consiglio d'essa Sacra Religione d'esaminare se detto Arbore Genealogico poteva servire di sufficiente Prova per la nobilta de'suddetti quarti, fu sotto li 31. del scaduto Maggio al medesimo Consiglio presentato, da cui esaminato, attese le giustifcazioni in esso enunciate, e verificazione in pie del medesimo fatta da Riccardo Mauvson Archivista Gen<sup>le</sup>, e'entrato in sentimento puoter il suddetto Arbore servire sufficientemente per dette Prove, stante che quelle non puonno farsi dal prefato Cav<sup>e</sup> STOURTON secundo le Costituzione di detta Sacra Religione, per non potersi far venire nella presente Citta di Torino le Scritture Originali concernenti le dette Prove, a causa che ne'Regni d'Inghilterra n'e'lo stile in contrario, e non si puo a quelle far procedere per mancanza pure de'Commissari, e cosi potersi da Noi sovra le Prove di Nobilta de'suddetti quarti, risultanti da detto Arbore Genealogico, Dichiarare detto Cav<sup>e</sup> STOURTON CAVALIERE DI GIUSTIZIA, mediante che esso Arbore venga riposto neel'Archivio della preacennata Sacra Religione; il tutto pero senza tratto di conseguenza in avvenire, attesa la particolarita del caso, come dall'Ordinato del pre nominato Consiglio delli 31 Maggio

suddetto; Per le presenti dunque di nostra certa scienza, piena possanza et autorità suprema Magistrale, partecipato come sovra il parere del prefato Consiglio Abbiamo Dichiarato e Dichiariamo il predetto D. Carlo STOURTON CAVALIERE DI GIUSTIZIA effettivo della Nostra Sacra Religione et Ordine Militare de' S.S. Maurizio e Lazzaro, Volendo che venga considerato come tale, e che gioisca di tutti li Onori, Privilegi e Prerogative, de' quali hanno gioito e puonno gioire li altri Cavalieri di Giustizia della Sacra Religione predetta, sendo tale il nostra preciso Volere.

Dato alla Venezia li 2 Luglio 1723.

Firmato : V. AMEDEO,

Controsegnato : AUDIBERTI.

Per copia Conforme desunta dal Reg<sup>ro</sup> Provvisioni della Sacra Religione ed Ordine Militare de Santi Maurijio e Lazzaro dall'anno 1721. al 1727 a Pagina 65.

Torino 5. Luglio 1898.

ENRICO BRIZIO-FALLETTI Capo Archivirto del G. Magistero Maurijiano.

V<sup>o</sup> P. Il Primo Ufficiale

L. VALLAURI.

Carta da Bollo - L. 1.20

Diritto d'Archivio - L. 2

L. 3.20 "

The following is a translation of the foregoing :

Royal Magisterial Archives of the Mauritian Order.

A "BILLET" (or Decree) IN THE FORM OF A PATENT (of Nobility) IN FAVOUR  
OF D. CHARLES STOURTON, KNIGHT.

#### VICTOR AMADEUS II.

BY THE GRACE OF GOD, KING OF SARDINIA, CYPRUS AND JERUSALEM, DUKE OF SAVOY AND MONFERRATO, PRINCE OF PIEDMONT, &c., &c., AND OF THE HOLY RELIGION OF THE MILITARY ORDER OF THE SAINTS MAURICE AND LAZARUS THE GENERAL GRAND MASTER.

On the 8th day of April 1710 We conceded to Charles STOURTON, An Englishman, Letters-Commissional calling upon him to produce his Proofs of Nobility (or

Pedigree), Life and Habits, so that he might thereupon be permitted to assume the Habit and Cross of Our Holy Religion of the Saints Maurice and Lazarus, he being allowed to prove his Nobility in the City of London or elsewhere, whereas We commanded that after having "proved" his Life and Pursuits, he was to be permitted to assume the Habit and Cross aforesaid; which (last mentioned) proofs having been examined, the said Habit and Cross were conferred upon him on the 23rd of February 1711. And it being difficult for him to obtain from his Country the documents proving his Nobility for the fourth generation both on the Paternal and Maternal side he was unable to produce such proofs for examination; Wherefore he presented to Us a Genealogical Tree showing not only his descent for the last four generations, but many ancestors of his Great Grandfather and Great Grandmother besides, thereby proving their ancient nobility. And he besought Us that, in view of such his "justifications and seal," We might be pleased to declare him an effective Knight in Justice. Having in consequence, ordered the Council of this Holy Religion to ascertain whether the said Genealogical Tree might serve as sufficient proof of Nobility for four generations, the said Tree was on the 31st of May last submitted to the Council named. And having been examined by the Council, and such Council in view of the "justification" therein enunciated and of the attestation at the foot of the same by Richard Mauwson General Registrar, being of Opinion that the said Tree might serve as sufficient proof (of Nobility), inasmuch as such proof could not be adduced by the Knight Stourton in the form prescribed by the Constitutions of this Holy Religion, it being impossible to cause the original documents concerning the proofs in question to be sent over to this City of Turin, seeing that in the Kingdoms of Great Britain the "style" (or usage) opposed this, and as (furthermore) it would be impossible for the examination of such documents to be proceeded with in the absence of Commissaries; and that therefore, upon the proof of Nobility for four generations that is apparent from the said Genealogical Tree, We were justified in declaring Stourton a "Knight in Justice," upon condition that the said Tree should be deposited in the Archives of the above-mentioned Holy Religion; from all of which "no consequence should ensue" (or no precedent derived) in the future in view of the peculiarity of the case, conformably to the Ordinance of the above-named Council dated May 31, aforesaid.

NOW THEREFORE Having taken cognizance of the Opinion of the said Council, We, acting to the best of Our Knowledge and in virtue of Our full Power and Authority HAVE DECLARED and HEREBY DO DECLARE the said D. CHARLES STOURTON to be An "Effective Knight in Justice" of Our Holy Religion and Military Order of St. Maurice and St. Lazarus; Willing that he shall be considered as such, and that he shall enjoy all Honours, Privileges and Prerogatives that have been and can be

enjoyed by the other Knights "in Justice" of the said Sacred Religion, such being the precise expression of our Will.

Given at Venice, on the 2nd day of July 1723.

(*Signed*) V. AMEDEO.

(*Countersigned*) AUDIBERTI.

This is a true copy taken from the Register of Provisions of the Holy Religion and Military Order of the Saints Maurice and Lazarus for the Years from 1721 to 1727, Folio 65.

Turin, July 5th, 1898.

(*Signed*) ENRICO BRIZIO-FALLETTI, Chief Keeper of the Archives of the Grand Mauritian Magistry.

For the Head Official,

(*Signed*) L. VALLAURI.

(*Here are two Official Seals.*)

(*Fees paid:*)

Stamped Paper    Lire 1.20

Archive Dues        „    2.

Total    Lire 3.20

## CHARLES, EIGHTH LORD STOURTON.

The following account, though containing little that is new, is taken from a volume relating to the "Lord High Stewards of England, and Trials before them" (Harl. MS. 2194, fol. 24b), and possesses some interest :

"Henry Fitzallan, Earle of Arundell, Lord Maltrauers and Lord Steward of Her Maties houshold was Lord High Steward of England at the arraignment of Charles Lord Stourton.

Whoe beinge Indicted for a very shamefull and wretched Murther Comitted by him upon two Gentlemen, the Father and the Sonne, of the Surnames of Hargill. w<sup>ch</sup> were his neere neighbo<sup>rs</sup> whome hee caused to bee smitten downe w<sup>th</sup> Clubbs, then theire throates to be Cutt, and after to bee buried in his owne howse fifteene foote deepe.

And although the Queene seemed to favo<sup>r</sup> him much, as one professing the Catholique Religion: Yet when shee understood the trueth of his vile deed, shee abhorred him and Comaunded that hee should be used accordinge to Justice.

Whereupon shortly after he was brought to Westminster and there Arraigned and found guilty, and had Judgm<sup>t</sup> as a Murtherer to be hanged.

And for the same fact were likewise Condemned fower of his Servants; And the Second day of March next followinge, The said Lord w<sup>th</sup> his fower Servants were Conveyed by the Queenes Guard from the Tower of London through the Cittie, hee havinge his Armes pinioned att his back, and his leggs bound under the horse belly, and soe Carried to Salisbury. where the sixt day of March next he was hanged in the markt place: And his fowre servants were hanged in the Countrey neere unto the place where the Murther was Comitted."

In a MS. account of William\* Lord Stourton's rents is the following entry :

"Cow-hire. For the rent of mylch-kyne letten to my Ladie Bridgewater at Caundel at vis. vii<sup>id</sup>. the cowe, xls."

\* William, 7th Lord Stourton. This entry is extracted from a note in "Charles, Lord Stourton, and the Murder of the Hartgills," p. 39.



It will be recollected that it was to this house Charles, Lord Stourton, went from London, just before he appointed the Hartgills to meet him at Kilmington.

The following is an entry under date the 21st of July, 1551, from the Minutes of the Council :

“ By letters from the Bishop of Sarum and other Justices of the peace in Wiltes unto Sir W<sup>m</sup> Herbert Lieutenant there, it was declared that a reskewe was made by the L. Sturton upon the Shiref when he wold have executed a writ of entre upon assise for the manor of Stourton : whereupon the said Lord Stourton was sent for and being examined how he durst contempt the Kinges officers and resist the lawes, denied that ever he made any resistance, offering to put his hande to any thinge the Council wold devise or require him to do in this behalf : and upon that a letter was devised from him to my Ladie his wief and to his servants at Sturton, to suffre the Sheriff to do his duetie and they to avoid the possession quietly, which letter he subscribed : also another letter from the Council to the Sheriff declaring the Lord Sturton's conformation, and willing him to proceede in the execution of the writt and in case he founde resistance of force then with force the Sheriff to remove it, according to the ordre of the lawes, foreseeing that there be no spoile of the Lord Stourton's goodes, but gently dispatched, &c.

And another letter to the Bishop of Sarum and the other Justices advertising them of the whole, and requiring them to assiste the Sheriff if need be.”

When the Sheriff came to reinstate Mr. Fauntleroy, Mistress Agnes Ryse and William Hartgill offered resistance. Complaint was made to the Council, and the Council required an impartial report to be made. The next document is that report, signed by seven of the local gentry :

1551, 31st July. Roger Basyng and others to the King's Most Honourable Council.\*

“ It may please yo<sup>r</sup> honorable Lordshipes to be advertised that upon the request of Mr. Fauntleroye to thentent we shulde reporte the troythe as well yn the demeano<sup>r</sup> of the Shirif upon the recepte of your honorable letters as also the demeano<sup>r</sup> of the sayde Fauntleroye, we repaired to Stourton the laste daye of July whereat we found the Shirif and then the Shirif came to the mano<sup>r</sup> place of Stourton and found the yeates faste barred beyng kept by force with gunes, bowes, and other weapons, and

\* State Papers Dome tic, Edw. VI., vol. xiii., Article 32.

ymediately after, William Hartgyll then beyng present, after that he had secret comynycacon with the Shirif, came unto the gate and there secretly disclosid his mynde to the portar through an hole of the gate. Whereupon M<sup>es</sup> Ryse came her self to the gate and caused it to be openyd : and the Shirif declared that he had receved yo<sup>r</sup> honorable letters at the sute of the sayde Fauntleroye (but shewyng none yn our sight) declaryng unto the sayde M<sup>es</sup> Ryse that he was comaundyd upon the sight of his lease to deliver hym the possession thereof, and that the Shirife's request was at the leste that M<sup>es</sup> Ryse shuld be contentid y<sup>t</sup> Fauntleroye shulde put yn servauntes yn to the ground and a keper yn to the parke for the tyme : who made aunswer, (any letters notwithstanding) "She w<sup>d</sup> suffer no possession to be taken, but that if Fauntleroye or any other for hym wolde come upon the ground for any suche purpose he shulde never go oute of the same on lyve." She suffred the Shirif and his servauntes with Hartgill and others to come yn, peaseably to come yn, to the place, and kept Fauntleroye and all other oute : and there they remaynyd by the space of half an houre and more : and then came oute agayne : and M<sup>es</sup> Ryse keypyng the gate hereself sayde "that she wolde kepe the possession thereof untill she were discharged by a lawe," (any letters notwithstanding). The saide Fauntleroye then, having his lease yn his hande, offrid it to the Shirif, desiryng hym to execute his office accordyng to the purporte of yo<sup>r</sup> sayde honorable letters ; who made awnswer and sayde "I have allready seen yo<sup>r</sup> lease, but ye heare what M<sup>es</sup> Ryse saythe, I will medle no more yn this matter withoute farder auctoryte." And then the sayde Fauntleroye beyng offended for that he sawe the rames\* of deare lying yn the base Court spoyled and eaten with dogges and brought oute of the parke of Stourton, the sayde Hartgill sayde "What ! dothe this sight greve thee ? thou shalt see xx or xl deare kylled theire yn one daye before thy face within this sevennyght, and therefore grudge not at this : " and thereupon the Shirif departid, as knoweth the lyvinge Lorde who long preserve yo<sup>r</sup> honorable Lordeshipes. Writen at Bonham the laste day of Julij by yo<sup>r</sup> Lordeshippes to comaunde

ROGER BASYNG, RYCHARD SAMWELL, JOHN DYER, ROGER MAWDLEY, BARNABE LYE, JOHN OWEN, WYLLIAM STACY."

18th. Nov., 1553. Decree in Chancery, Lord Stourton and Thomas Chaffyn.†

"Where matter in variaunce hath longe dependid in this honorable Courte of Chauncery betwene the honorable Charles Stourton Knyght Lord Stourton, playntyf

\* "*Rames*, the relics of a branch after the leaves are off; *rames* (Devon), the carcase or skeleton of a bird.'—Halliwell's "Dictionary of Archaic Words."

† Judgment Rolls, Court of Chancery, 55th part, Philip and Mary, Article 72.

and admynyster of the goodes and catalles of Willm. late Lord Stourton his father deceased on thone partie, and Thomas Chaffyn of Mere in the countie of Wilt gent. defend' on thother partie, for and concerning a certen debte of £lxxx due by the said Thomas Chaffyn unto the said Charles Lord Stourton uppon an obligacon wherein the said Chaffyn stode bounden unto the said William Lord Stourton for the payment of the said foure score poundes ; . . . It manyfestly appered unto the said Courte by dyvers witnesses brought in on the behalf of the said Lord Stourton complaynaunte, that the said sune of fourescore poundes ought to be paide unto the said complaynaunt as administratour of the gooddes and cattalles of the said William Lord Stourton his father as is aforesaid, and albe it in the aunswere of the said defendaunte it is alledged that the said obligacon or dede obligatorie was delyvered by the said William Lord Stourton father of this complaynaunt to thandes of one Willm. Hartgill safely to be kepte to thuse of one Agnes Rise, to whome as it also is alledged in the said aunswere of the said defendaunte the said obligacon or dede obligatory was by the said William Lord Stourton by his last will and testament gyven, yett forasmoche as the said Charles Lord Stourton hathe disproved and made voyed the said supposed will of his father by *sentence diffynitive*, and for that also that it appered to this honorable Courte by dyvers wittenesses brought in on the part and behalfe of the said Charles Lord Stourton that the said Chaffyn confessed the debte and became debter unto the said Charles Lord Stourton for the said foure score poundes, though here in this Courte the said Thomas Chaffyn shewed forthe an acquyttaunce delyvered unto hym by the said Agnes Rise as he alleged for the discharge of the same foure score poundes, whiche seemed to be only doone by covyn betwene the said defendaunte and the said Agnes Rise. . . . It is therefore this present 18th Nov. 1 Mary, by the right reverend father in God Stephen Bisshopp of Wynchester Lord Chauncellour of England and by the said Court of Chauncery. ordered, adjudged and decreed, that the said Thomas Chaffyn defendaunte, his executours, admynistratours, or assignes on this side the feast of Seynt John Baptyst next comyng, shall paye or cause to be paid unto the said Charles Lord Stourton complaynaunte, his executours, or assignes, the sune of fourescore poundes of lawfull money of England together with the sum of - - - for the costes and charges susteyned by the said Charles Lord Stourton in suying for the same in this courte. . . . The Lord Stourton to give T. Chaffyn a sufficient acquyttaunce or discharge for the same."

William Hartgill made a formal application to the Star Chamber (see page 341). in which he stated that whereas under a regular lease from Thomas Bennet, Rector,

he (Hartgill) was lessee of the Rectory of Kilmington, certain of Lord Stourton's men had forced an entrance into the house, and had hurt his (Hartgill's) shepherd, and one Richard Coker, gentleman; and that upon a Warrant having been obtained against those men and process served upon them on the part of Hartgill by John Butler, in the parish church of Stourton, on Christmas Day, 1549, other servants of Lord Stourton's had set upon the said John Butler and beaten him within danger of his life at the very door of the church. He prayed a summons for their arrest.

The original document relating to this case has been injured by rats, and the words reciting the precise *year and day* on which the lease of the Rectory had been granted to Hartgill are destroyed, but the words "reign of Edw. VI" remain. There is a little nicety in the matter that makes the remnant of date important. The reign of Edward VI. began on the 28th of January, 1547. The lease must therefore have been granted after that day. But at that time *William*, Lord Stourton, though living, was absent in France, and there continued until his death in September, 1548. It must therefore have been during his absence that Hartgill obtained the lease. Recollecting that one of the very first questions raised by Charles Stourton, 8th of April, 1549, had been as to Hartgill's right to feed his sheep on the Rectory, it becomes probable that this lease of the Rectory was one of the acts of Hartgill in which Charles, Lord Stourton considered that some unfair advantage had been taken during his father's absence. Still, as that alone would not have formed any justification whatsoever for an ejectment, it may be presumed either that Hartgill had refused explanations, or that Charles, Lord Stourton had some counter-claim which he was foolish enough to prosecute in the violent manner described. The following is a copy of the petition of Hartgill to the Star Chamber:

"A.D. 1550. To the King our soverayne Lorde.\*

In most lamentable wise compleyninge sheweth unto your excellent Majestie your poor subject and daylie orator William Hartgill of Kilmington in your grace's countie of Somerset Esquier that whereas Thomas Benet clerke beinge lawfully seased in his demesne as of fee as in the right of his church of Kylmyngton . . . of the parsonage and rectory of Kylmyngton in the said countie of Somerset, and he beinge therof so seased at th . . . of our Lorde God in the said yere of your Majesties reign did demyse grante and to ferme lett unto yor said orator . . . Rectory with all and singuler the membres and appurtenaunces for terme of certen yeres yet enduringe by vertue whereof . . . was and is thereof lawfully possessed; so it is, most dere soveraign Lorde, that one Henry Symes of Stourten in the countie of Wiltes and

\* Star Chamber Proceedings.

Owyn At Yew of the said towne yeoman accompayned with too other persons being all servauntes to the Lorde Stourton, of malice prepensed and borne towardes your saide subjecte the xj (day) of December in the thirde yere of yor most gracious reign (1549) riotously with force and armes that is to saie with staves and billes, the macion house of the said parsonage brake and entred, and then and there on one Robert Rydeowte a poore ympotent shepherde unto your said subjecte being sycke in the said parsonage of dyvers greate beatings and woundes by the said Henry and Owyn to hym before that tyme given and made, and on oone Richard Coker gent also servaunte to your saide subjecte then and there, beinge in Goddes peace and your highnes, made a greivous assault and affray, and then and there forceablie and riotously brake up the dores of the hall and chamber of the said parsonage house, and them did then and there greivously beate, and also then and there the said ryotous persons did greivously wounde the saide Coker in the right legge so that he is in great daunger of his life and not able nother to help hym self nother to do any service to your grace's said subjecte, and moreover, gracious soveraigne lorde, where your poore subjecte in the last term past, for dyvers and sondry greatte and urgent riottes and assaultes by the said Henry Symmys, Owyn at Yow, John Blanforde and others comytted and done agaynst your maties peace and lawes upon your said subjecte and dyvers others his servauntes wife and children, obteyned and got out of your high Corte of Sterr Chamber your gracious writtes of subpena directed unto the said ryotous and misruled persons there to appeare before your Majestie and the Lordes of your most honorable counsaile to answer unto the saide riottes; and your said orator intendinge to have your said proces served upon the said riotous and mysruled persons, delyvered the same writtes for that only purpose to one John Butler servaunte to your said orator, wheruppon the said John Butler in the day of the feast of the Natyvvytie of our Lord God last past in the parish churche of Stourton aforesaid delyvered your said proces to one John Blanforde and Roger Elys, which Blanforde, perceivinge the said writte, beganne with hast to ronne out of the said churche and amongst all the parisheners there then beinge, with a high voyce began to cry oute "Kill hym, kyll hym," sweringe "by Godes blode," and with that crye one John Grene alais Smyth of Stourton aforesaid, Nicholas Mershe of the same, William Cokley of the same, John Prewett, Jesper Grype of the same towne, Henry More of Kylmyngton yoman, Alexander More of Kylmyngton, Thomas Reynolde of Kylmyngton yoman, Richard Welor alias Suddon of Kylmyngton, husbondeman, being all servauntes and reteynors to the said Lorde Stourton, the said day then and there forthwith assembled them selves together riotously, with billes, staves, swerdes and daggers, and then and there the said riotous and mysruled persons made assaulte upon the said John Butler and then and there at the doore of the said churche, the



said John Butler beinge in Goddes pece and your highnes, and thinkynge no maner of evell, but beinge bare-hedded without any maner of weapon upon hym, the said riotous persons that is to saie the said Nicholas Mershe with a dagger, and other of them with staves, did then and there not regarding your Mat<sup>ie</sup> nor your lawes nor yet the said sacred place, did greuously wounde the said John Butler upon the hedd with too grete woundes and leftt him lying at the said church dore for ded, untill his wyf and other of his neighbours conveyd hym home to his house in greate perell of deathe to his utter undoinge, of whiche beatinge and woundes the said John Butler is and shalbe the worse in his body all the daies of his life to his greate payne and shortninge of life: the manyfolde mysdemeanors of whiche riotous persons not beinge ponysshed dothe daily give occasion that many greate riotes, assaultes, and manslaughters be daily comytted and done in your said countie, for reformation wherof it may therefore please your highnes, the premysses tenderly considered, to graunte your Ma<sup>tes</sup> most gracious writte of subpena to be directed unto the said Henry Symes, John Blanforde, Richard Sudden alias Wheeler, and the other riotous persons aforesaid comaundinge them thereby personally to appear before your Grace in your High Court of Sterr Chamber there to answer to the premysses and to abide suche order therin as to your highnes and your honorable councell shall seme to stande with equitie right and conscience. And your poore subjecte shalbe most bounden to pray to Almighty God for the most prosperous and victorious estate of your highnes with increase of all honor longe to continue and endure.

(In dorso) John Blandford and Richard Sudden alias Weler, subpenas immediat.'

The two parties were bound over to keep the peace.

Various Inquisitions were taken after the death of Charles, Lord Stourton. The following is the Inquisition taken for Co. Dorset :

"Delib'at' fuit Cur' . . . die Octobr' annis subscr' p' manus Hugonis Pydye.  
Dors'.\*

Inquisicio indentat' capt' apud Sherburne in Com' p'd' Septimo die Julii Annis Regnor' Philippi et Marie Dei gra' Anglie Hispaniar' francie vtriusq' Cecilie Jeru'lem 't Hib'nie Regis et Regine fidei Defensor' Archiducum Anstrie Ducum Burgundie Mediolani et Braban' Comitum Haspurgi Flandrie et Tirolis Tercio et Quinto Coram Humfrido Colles Rogero Walrond et Roberto Dyrdo Armigeris Comissionar' d'c'or' D'nor' Regis et D'ne Regine nu'c virtute cuiusd'm com'issionis eor'd'm D'ni

\* Dn's' inde mittit' in Cur' Ward' & S'ecta' p' Helley.

Regis et D'ne Regine eisd'm Humfrido Colles Rogero Walrond et Roberto Dyrdro direct' ad inquirend' per probos et leg'les homines de Com' p'd' de om'ibus et sing'lis Maneriis terr' Ten' Reddit' 't aduocac'onib' eccl'iar' Capellar' 't alior' b'n'fic' eccl'astic' quor'cu'q' ac de om'ib' 't sing'lis offic' lib'tat franchises com'odit' et heredit' quibuscu'q' in p'd' Com' de quibus Charolus nup' D'm'us Stourton nuper de feloniam 't murdro convict' fuit sei'tus duodecimo die Januarii Annis d'c'or' D'nor' Regis et Regine Tercio et Quarto aut vnq'm postea in d'm'co suo ut de feod' siue in feod' qualitercu'q' talliat' ac que 't quanta Dominia Maneria t'r' tenementa 't heredit' id'm nuper d'm'us Stourton die 't annis suprad' tenuit de d'c'is L'nis Rege et Regina et per que servicia. Ac quid 't quantum Dominia Maneria terr' ten' et heredit' p'd' nuper p'd'c'i D'ni Stourton valent per annu' in om'ibus exit' vltra rep's'. Necnon quibus die et anno id'm nuper D'm'us Stourton obiit, et qui filii sine filie d'c'us Charolus D'inus Stourton h'uit die obitus sui, et quis eor' p'pinquior heres eius sit seu esse debet si p'd' Charolus D'us Stourton attinct' non fuisset et cui' elatis p'd' heres est. Virtute cuius com'issionis huic Inquisic'o'i annex', Robertus Coker ar' X'p'oferus Chyu'ell armiger Edwardus Knoyle Armiger Joh'nes Leweston Armiger Wili'mus Gerrerd Armiger Robertus Gerrerd Armiger Robertus Baylewaye (?) Armiger Thom's Mullens Armiger Robertus Thornehyll generosus Will'm's Durdo generosus Morganus Poldon generosus Ri'c'us Watkyns generosus Hugo Weston generosus Joh'nes Colyar generosus Rob'tus Staunton generosus Robertus Goodhyne generosus Will'mus Mere generosus Thomas Yonge generosus Thom's Deaye generosus Thom's Atwater gen'osus 't Rob'tus Hodg' gen'os' sup' veritate p'missor' electi triati 't iurati cora' Com'issionar' p'd' die 't a's suprad'c'is Dicunt super sac'r'm suu' q'd' diu anteq'm dictus Charolus D'inus Stourton de feloniam et murdro p'd' attinctus 't conuictus fuit D'inus Henricus nup' Rex Anglie Sextus p' l'ras suas paten' dat' apud West'm Terciodecimo die Maii anno Regni sui xxvj<sup>to</sup> ac Jurat' p'd' super capcionem huius inquisic'onis in evidenciis ostenc', Considerans probitatem et antiquam generis claritatem dilecti et fid'lis Militis sui Joh'nis Stourton necnon Laudabilia obsequia que id'm Joh'nes t'm Charissimo patri eiusd'm nuper Regis defuncti q'm eid'm nuper Regi impendit et sibi indies adtunc impendere non desistebat ip'm Joh'em in Baronem et D'm'u' Stourton de Stourton suis exigent' meritis erexit et prefecit et ei om'ia et o'nimod' stilum nomen dignitatem sedem p'rogatiuam et p'eminent' stat' Baron' quomodoli't p'tinen' dedit et concessit. H'end' om'ia huiusmodi stilum nomen dignitatem sedem p'rogatinam et p'eminent' eid'm Joh'ni Stourton et hered' masculis de corpore suo exeun'. Et dictus D'inus Rex voluit et concessit per easd'm L'ras suas patent' q'd' id'm Joh'nes Stourton nominaretur et nuncuparetur D'inus et hered' masculi de corpore suo legit'i'e procreat' nominarentur & nuncuparentur D'ni Stourton de Stourton prout in eisd'm l'ris paten' inter alia pleni' continetur Quarum quid'm



l'rar' paten' p'd' p'textu ac iuxta vim formam et effectum ear'd'm id'm Joh'nes Stourton Miles no'i'abatur et nuncupabatur per nomen Joh'n's Stourton Militis D'ni Stourton de Stourton et ip'e Joh'nes sic no'i'atus et nuncupatus habuit exitu' masculum de corpore suo l'itti'e p'creat' Will'mu' Stourton. Et postea id'm Joh'nes obiit post cuius mortem p'fatus Will'm's Stourton vocabatur et nuncupabatur per nomen Will'i Stourton D'ni Stourton de Stourton. Et id'm Will'mus sic nuncupatus habuit exitum masculu' de corpore suo legitime procreat' Joh'em Stourton Will'mu' Stourton et Edwardu' Stourton. Et postea id'm Will'm's D'inus Stourton obiit post cuius mortem p'fatus Joh'nes Stourton vocabatur & nuncupabatur per nomen Joh'nis Stourton D'ni Stourton de Stourton. Et ip'e Joh'nes sic no'i'atus et nuncupatus obiit sine hered' masculis de corpore suo Legittime procreat', post cuius mortem prefatus Will'm's Stourton frater p'd' Joh'nis D'ni Stourton et consanguineus et proximus heres masculus de corpore d'c'i Joh'is in d'c'is L'ris paten' no'i'at' vocabatur et nuncupabatur per nomen Will'mi D'ni Stourton de Stourton. Et ip'e Will'm's sic no'i'atus et nuncupatus obiit sine exit' masculo de corpore suo L'ittime procreat', post cuius mortem p'd'cus Edwardus Stourton frater p'd' Will'mi et consanguineus et prox' heres masculus de corpore p'd' Joh'nis D'ni Stourton in d'c'is L'ris paten' no'i'at' vocabatur et nuncupabatur per nomen Edwardi Stourton D'ni Stourton de Stourton. Et ip'e Edwardus sic no'i'atus et nuncupatus habuit exit' masculu' de corpore suo l'itti'e procreat' Will'mu' Stourton. Et postea id'm Edwardus obiit post cuius mortem p'fatus Will'mus Stourton vocabatur et nuncupabatur per nomen Will'i Stourton D'ni Stourton de Stourton. Et ip'e Will'm's sic no'i'at' et nuncupat' habuit exit' masculum de corpore suo L'itti'e procreat' p'd'c'm Charolum Stourton in d'c'a Commissione no'i'at' Et postea id'm Will'mus obiit post cuius mortem id'm Charolus Stourton vocabatur et nuncupabatur per nomen Charoli Stourton D'ni Stourton de Stourton Idemq' Charolus sic no'i'atus et nuncupatus h'uit exit' masculu' de corpore suo L'itti'e procreat' Joh'em Stourton nunc D'n'm Stourton de Stourton. Et postea p'd' Charolus p'd'c'o duodecimo die Januarii in dict' com'issione specificat' murdr' et feloniam p'd' fecit et perpetravit et pro eisd'm feloniam et murthero xxvj<sup>to</sup> die february annis suprad' attinctus et convictus fuit prout per Record' inde plus plenius liquet et apparet. Et pro eisd'm feloniam et murthero ad mortem traditus fuit, post cuius mortem p'd'c'a Baronia de Stourton discendebat p'fato Joh'i modo D'no Stourton ut filio et hered' masculo de corpore p'd' Charoli legitime procreat'. Et ulterius Jurat' p'd' dicunt super sac'r'm suu' q'd' diu anteq'm p'd'c'us Charolus D'inus Stourton de feloniam et murthero p'd' attinct' et conuict' fuit, quid'm Joh'es Hayme defunctus nup' fuit se'itus in d'm'co suo ut de feodo de vna virgata terre cum suis p'tin' in Gyllingh'm ad quam quid'm virgatam terre p'tinet et a tempore cuius contrarii memoria hominu' non exist', p'tinebat qued'm ball'a ad

custodiend' forestam et p'cum de Gyllyngh'm et vocatur forest' de feod' siue balliua forestar' de Feod' infra forestam et p'cu' p'd'c'm. Et dictus Joh'nes Hayme diu ante mortem suam dedit p'd'c'am virgatam terr' cum p'tin' p' Cartam suam ad quam d'c'a balli'a custodiend' forest' et p'cu' p'd' p'tinet quibusc'd'm Joh'ni Wyke Ric'o Tressybyen' et Roberto Wallereidge h'end' et tenend' sibi et hered' suis imp'p'uu' virtute cuius doni iid'm Joh'nes Weke Ric'us et Rob'tus inde fuer' sei't' quicquid'm Joh'nes Weke Ric'us et Rob'tus sic inde sei't' dederu't p'd' virgat' terr' cum suis p'tin' ad quam p'd' balli'a p'tinet p'fato Joh'i Hayme et Isabelle vx'i eius H'end' et tenend' eisd'm Joh'i Hayme et Isabelle, et hered' de corpore ip'ius Joh'nis Hayme exeun', Ita q'd si iid'm Joh'es Hayme et Isabelle obierint sine hered' de corpore ip'ius Joh'nis Hayme exeun' extunc p'd' virgata terr' cum p'tin' ad quam p'd' balli'a p'tinet ut sup'dict' est rem' Joh'ni Belvale et Katherine vx'i eius et hered' de corporibus p'd' Joh'nis Belvale et Katherine exeun'. Ita q'd si iid'm Joh'nes Belvale 't Katerina sine hered' de corporib' p'd' Joh'nis Belvale et Katherine exeunt' obierunt extunc p'd' virgat' terr' cu' p'tin' ad quam p'd' balli'a p'tinet remaneret rect' hered' ip'ius Joh'nis Belvale imp'p'uu' virtute cuius Doni iid'm Joh'nes Hayme fuit sei'tus ut de feod' talliato et iure, et p'd'c'a Isabella inde fuit sei't' ut de libero tenemento. Et p'd'c'a Isabella obiit. Et p'd'c'us Joh'nes Belvale et Katerina habueru't exit' inter eos Johannam filiam et vnicam hered' de corpore p'd' Joh'nis Belvale et Katherine vx'is eius Legittime procreat' quequid'm Joh'na disponat' fuit cuid'm Joh'ni Moyne Militi qui quid'm Joh'nes Moyne et p'd'c'a Joh'na vx' eius habuer'nt exit' inter eos legitime procreat' Elizabeth vnicam hered' d'c'or' Joh'nis Moyne et Joh'ne vx'is eius, qui quid'm Elizabeth disponat' fuit Will'mo Stourton'. Qui qued'm Will'm's Stourton' et Elizabeth habuer'nt exit' inter eos Joh'em Stourton. Et postea p'd' Joh'nes Belvale et Joh'nes Moyne et Joh'na vx' eius obierunt, et p'fatus Will'm's D'n's Stourton et Elizabeth vx' eius si'liter obierunt et postea p'd'c'a Katerina obiit. Posteaq' p'd'c'us Joh'nes Hayme de tali statu de d'c'a virgata terr' cum suis p'tin' ad quam p'd'c'a balli'a p'tinet ut supradict' est obiit sei't' sine hered' de corpore suo exeun' post cuius mortem p'dicta virgata terr' ac balli'a p'd' cum p'tin' p'fato Joh'i Stourton ut consanguineo et hered' p'd' Joh'nis Belvale et Katherine, videli't filio d'c'or' Will'i D'ni Stourton et Elizabeth vx'is eius filie d'c'or' Joh'nis Moyne et Joh'ne vx'is eius filie dictor' Joh'nis Belvale et Katherine virtute Remanere p'd' adtunc remanebant et pertinebant prout in quad'm. Inquisic'one indentata capta apud . . . coram. . . . Esc'aetore D'c'i nuper Regis in Com' p'd' et in Com' Somerset' virtute br'is eiusd'm Regis de mandamus eid'm nup' Esc'aetori post mortem Joh'nis Hayme direct' et dict' inquisic'on' annex' ac' Jurator' p'd' super capc'o'em huius inquisic'onis in evidenc' ostenc' inter alia plenius continetur, quor' quid'm p'missor' p'textu p'fatus Joh'nes D'inus Stourton' in virgat' terr' ad quam p'd' balli'a p'tinet intrauit ac fuit inde sei'tus in d'nico ut de feodo talliato videli't sibi et hered' de corpore suo legitime p'creat'. Et ip'e sic inde sei'tus existen' h'uit exit' de corpore suo l'it'ti'e

p'creat' Will'mu' Stourton et postea de tali statu obiit inde sei't' post cuius mortem p'd'c'a virgata terre ac balli'a p'd' discendebant p'fato Will'mo Stourton D'no de Stourton ut filio et hered' de corpore p'd' Joh'nis D'ni Stourton legitime procreat'. Virtute cuius id'm Will'm's D'inus Stourton in p'd' virgat' terr' ad quam p'd' balli'a p'tinent intrauit et fuit inde sei'tus in D'nico suo ut de feod' talliat' videli't sibi et hered' suis de corpore suo legitime procreat'. Et ip'e sic inde sei'tus existen' habuit exit' de corpore suo legitti'e procreat' Joh'em Will'mu' et Edwardum Stourton. Et postea id'm Will'm's D'inus Stourton de tali statu inde sei'tus obiit post cuius mortem p'd' virgata terre et balli'a discendebant p'fato Joh'ni D'no Stourton ut filio et hered' p'd' Will'i D'ni Stourton, virtute cuius id'm Joh'nes D'inus Stourton in p'd' virgat' terre ad quam p'd' balli'a p'tinet intrauit ac fuit inde sei'tus in D'm'co suo ut de feod' talliat' vidli't sibi et hered' de corpore suo legitti'e procreat'. Et ip'e sic inde sei'tus existen' de tali statu inde obiit sei't' sine hered' de corpore suo Legittime procreat' post cuius mortem p'd' virgat' terr' et balli'a discendebant Will'mo D'no Stourton ut fratri et hered' p'd' Joh'nis D'ni Stourton Virtute cuius id'm Will'm's D'inus Stourton in p'd' virgat' terr' ad quam p'dicta balli'a p'tinet intrauit et fuit inde sei'tus in D'm'co suo ut de Feod' talliat' videli't sibi et hered' suis de corpore suo legitime procreat'. Et ip'e sic inde sei'tus existen' de tali statu obiit inde sei'tus sine hered' de corpore suo Legittime procreat' post cuius mortem p'd'c'a virgata terre et balli'a discendebant Edwardo D'no Stourton ut fratri et hered' p'd'c'i Will'mi D'n'i Stourton' virtute cuius, id'm Edwardus Stourton' in p'd' virgat' terr' ad quam p'd' balli'a p'tinet intrauit ac fuit inde sei'tus in D'm'co suo ut de feod' talliato videli't sibi et hered' suis de corpore suo l'ittime procreat'. Et sic inde sei'tus existen' h'uit exit' de corpore suo legitime procreat' Will'm'u' D'nu' Stourton Et postea id'm Edwardus D'nus Stourton de tali statu inde obiit sei'tus post cuius mortem p'd'c'a virgata terr' et balli'a discendebant p'fato Will'mo D'no Stourton ut filio et hered' predicti Edwardi D'ni Stourton virtute cuius id'm Will'm's D'inus Stourton' in p'd' virgat' terr' ad quam balli'a p'd' p'tinet intrauit et fuit inde sei'tus in D'm'co suo vt de Feod' talliato videli't sibi et hered' suis de corpore suo Legittime procreat'. Et ip'e sic inde sei'tus existen' h'uit exitum de corpore suo legitime procreat' Charolum D'm'u' Stourton'. Et postea id'm Will'm's de tali statu inde obiit sei'tus post cuius mortem pred'c'a virgata terre et balli'a discendeba't prefato Charolo D'no Stourton ut filio et hered' de corpore p'd'c'i Will'mi D'ni Stourton virtute cuius id'm Charolus D'nus Stourton' in p'd' virgat' terr' ad quam p'd' balli'a p'tinet intrauit ac fuit inde sei'tus in D'm'co suo ut de feod' talliat' videli't sibi et hered' de corpore suo legitime procreat'. Et ip'e sic inde sei'tus existens h'uit exit' de corpore suo Legitti'e p'creat' Joh'em nunc D'm'u' Stourton' de Stourton' p'd'. Et pred'cus Charolus sic inde sei'tus existen' p'd'c'o duodecimo die Januarii in p'd' com'issione specificat' murdr' et feloniam p'd' fecit et perpetravit et pro eisd'm murdr' et feloniam xxvj<sup>to</sup> die Februarii annis Tercio et Quarto sup'd' atinctus et conuictus fuit ut per

Record' inde plenius liquet et ad mortem traditus fuit post cuius mortem p'd'c'a virgata terre et ball'i'a descend' prefato nunc Joh'ni D'no Stourton ut filio et hered' de corpore d'c'i Charoli D'ni Stourton', rac'one cuius attinctur' Reu'c' in feod' simplici p'd' virgata terr' et ball'i'e p'd', ad manus D'ne Regine hered' et Successor' suis devenit tanq'm Escaet' sua. Et dicunt ulterius Jurat' p'd' q'd diu anteq'm p'd' Charolus de murd' et feloniam p'd' attinct' et conuictus fuit Will'm's Stourton miles D'inus de Stourton inter alia fuit sei'tus in D'm'co suo ut de Feod' de Maneriis de Ower moyne Caundell Haddon Stourmyster Eschelborough Houghton Huyd' Fyfelde Nevell cum p'tin' necnon de ducent' septem messuag' duobus millib' acr' terr' quadraginta acr' p'ti trescent' sex acr' pastur' Centum quadraginta acr' bosc' et decem librat' Redd' cum p'tin' in Ower moyne Stourmyster Eschelborough Congesdiche Shaysheburye Galton Sherburne 't Anteoxx' in Com' p'd'c'o Ip'o q' Will'mo sic inde sei't' existen' Ric'us Winton Ep'us Egidius Dawbney Miles D'inus de Dawbney ac Camerarius D'ni Henrici nuper Regis Anglie Septimi, Charolus Somerset Miles D'inus Herbert ac Comes Wigorn' Thom's Lovell Ric'us Empson et Jacobus Hubbert Milites Edmu'dus Dudley ac Thom's Lucas armigeri p' no'i'a Ric'i Winton' Ep'i, Egidii Dawbney militis D'ni Dawbney Charoli Somerset Militis, D'ni Herbert Thome Lovell Ric'i Empson Jacobi Hubbert Militis Ed'i Dudley et Thome Lucas Armigeror', Jerm'i'o Mich'is Anno Regni d'c'i D'ni Henrici nup' Regis Anglie Septimi vicesimo primo per bre' d'c'i D'ni nup' Regis Henrici Septimi de ingr'u super disseissi'am in le post p'd' Maneria de Ower moyne Caundell Haddon Stourmyster Howghton Eschelborough Huyd' Fyfelde Nevell Konkesdiche Shaseburye Galton Suddon Sherburne et Anteoxx' ac dicta messuag' terr' et Ten' ac cetera p'missa cu' suis p'tin' in Ower moyne Caundell Haddon Houghton Eschelborough Huyd' Fyfelde Nevell Konkysdiche Shaftysburye Galton Suddon Sherburne 't Anteoxx' adtunc eod'm Will'mo Stourton Tenen' liber' Ten' Man'ior' et ceteror' p'missor' existen', Recuperauerunt p'd' Man'ia et cetera p'missa cum suis p'tin' versus p'd' Will'mu' Stourton p'ut p' Record' inde Jurat' p'd' super Capc'o'em huius inquisic'onis in evidenc' ostenc' plenius liquet et apparet virtute cuius recup'ac'onis iid'm Ep'us, Egidius, Charolus, Thom's Lovell, Ric'us Jacobus, Edmundus ac Thom's Lucas in p'd' Man'ia de Ower moyne Caundell Haddon Houghton Eschelborough Huyd' Fyfeld Nevell Konkesdiche Shaftysburye Galton Suddon Sherburne et Anteoxx' p'd' cu' p'tin' intraueru't. Et inde fuerunt sei't' in D'm'co suo ut de Feod'. Et Jurator' p'd' dicunt q'd p'd' Recup'acio d'cor' Man'ior' ac ceteror' p'missor' cum suis p'tin' h'it' fuit ad vsum d'c'i Will'i Stourton' Militis et hered' suor'. Et dicunt eciam Jurat' p'd' q'd Recup'ator' p'd' sic de p'd' Man'iis et ceteris p'missis existen' sei't', Convent' concessu' et aggregat' fuit inter d'c'm Will'mu' Stourton' Militem D'm'u' de Stourton ex p'te vna. Et dictu' Edmundu' Dudley ex altera p'te per quas'd'm Indentur' quar' dat' est duodecimo die Novembris

Anno Regni Regis Henrici Septimi vicesimo quarto Jurator' p'd' super capc'o'em hui' inquisic'o'is in evidenciis ostenc' modo et forma p'ut in eisd'm Indentur' specificatur et declaratur Quar'm quid'm Indentur' tenor sequitur in hec verba. This Indenture made the xij<sup>th</sup> daye of November in the xxiiij<sup>th</sup> yere of the Raigne of Kynge Henrye the vij<sup>th</sup> Betwext Wyll'm Stourton Knyght Lorde Stourton of thone p'tie and Edmund Dudley Esquier of the moost honorable counsell of our said Sou'aigne Lorde of thother p'tie Witnessethe that where Edward Stourton Esquier brother and heire apparent of the said Lorde Stourton hathe bargayned & solde vnto the said Edmu'd the warde and mariage of Peter Stourton as well Son'e and heire apparen't of the said Edward as Cosen next heire appa'nnte vnto the said Lorde, after the decesse of the said Lorde, and of the said Edward his brother And where furdernore the said Edward hath coven'nted granted and bargayned w' and to the said Edmond as by a paire of Indentures made betwexte the said Edmond and the said Edward bearinge date the x<sup>th</sup> daye of Aprill in the xxiiij<sup>th</sup> yere of the Raigne of o' said Sou'aigne Lorde more playnlye doth appeare. The said Lorde Stourton ratifieth and confirmeth vnto the said Edmond by these p'sent' thaforesaid sale warde and mariage of the said Peter as in the said other Indenture ys expressed And also coven'nteth and granteth to the said Edmund and his executor' by these p'sent' that the said reasonablie doe that in hym ys that the said Peter shalbe deluy'd vnto the said Edmund at all tymes when the said Edmond shall require the same. And also the said Lorde Stourton coven'nteth and granteth by these p'sent' vnto the said Edmond that w'in two monethes after the date of these p'sent' the said Wyll'm Lorde Stourton shall make or cause to be made soche sure sufficient and lafull estate, as shalbe advysed by the Lerned counsell of the said Edmund his heyres or executors at the cost' and charg' of the said Edmund his heires or executor' vnto soche certen p'sons as the said Edmond shall name of the Mano' of Est Steynnges w' thapp't'n'nc' in the Countie of Essex called Est Steynnges at Mownte and of all other Landes ten't' and hereditament' belonginge vnto the said Lorde in Est Steynng' aforesaid, or elsewhere in the said Countie of Essex. To haue to them and to there heires for ever to thuse and entent folowinge, That is to saye to thuse of the said Edmond for terme of Seaven yeres then next and Imediatlie folowinge, and to thentent that the said Edmond and his assignes maie take & p'ceiue the yssues and profytt' of the said Manor and other the p'mysse w' thappurten'nc' to his owne vse duringe the said vij yeres, And after the said Seaven yeres be expired to thuse of the said Peter and soche as shalbe his wief, and of the heires of there two bodies com'inge. And for defaulte of soche issue to thuse of the seconde Son'e of the said Edward Stourton, and soche as shalbe his wief, and of the heires of these two bodies com'inge. And for Default of soche issue to thuse



of the right heires of the said Lorde for ever. And Furdermore the said Lorde coven'teth and gran'teth by thes p'sent' to doe suffer and cause to be done agenst himself and all other havinge anye Interest or tytle to his vse at all tymes vpon a reasonable request made hereafter therof, at the cost' and charg' of the said Edmond his heyres or executor' for the suertie of the p'misses as by the Lerned counsell of the said Edmond shalbe advysed and also to deliu' vnto the said Edmond all soche evidenc' munymen't' and stroves concernynge onelye the said Manor of Est Steynnyng' when the said Lorde shall thereto be requyred vpon reasonable warninge. And that the said Manor Land' and tenement' and other the p'myssees tyme of thexecucion of thaforesaid estate, shalbe discharged of almaner of former vses bargayns Joyntures estatute Marchante and statute of the staple made by the said Lorde or anye other p'son or p'sons for hem, other then is therof made to our Sou'aigne Lorde the Kinge or to other p'sons, to his vse for suertie of payement of certen money to his grace, and of all Annuyties over and above the som'e of xls. by the yere w'h is granted by the said Lorde to John Mylet for terme of his Lief. Also the said Will'm Lorde Stourton coven'teth and gran'teth by thes p'sent' vnto the said Edmond that Imediatlie after the decease of the said Lorde Stourton the moytie of all soche Manors Lordshippes Land' ten't' Rent' servyc' and hereditament' as the said Lorde nowe hathe and is seised of or anye other p'son or p'sons have or be seised of to thuse of the said Lorde in Caundell Haddon Shaftysburye Sherburn' & Owermoyn'e w' thapp't'n'nc' in the Countie of Dorset, Frome et West Parrot w' thapp't'n'nc' in the Countie of Somerset, Shafton Moyne et Hamveley w' thapp't'n'nc' in the Countie of Glocester, Velhome et Plympton' w' thapp't'n'nc' in the Countie of Devon'. And also the moytie of all soche other Manors Land' ten't' and hereditament' as the said Lorde nowe hathe or anye other ys seised of to his vse other then soche manors land' and tenement' as be assigned for the Joynture of Dame Thomasyn wief vnto the said Lord, and Except the Mano' of Weston Manwylde otherwise called Bakers Weston' in the countie of Dorset. And all land' tenement' Rent' reu'sions and s'uyce' w' there app't'n'nc' in Weston aforesaid w'ch excedethe not the valewe of fourtie marck' by the yere of the w'ch Mano' it shalbe lauffull vnto the said Lorde to make his laste Wille, So that after the said Wille p'formed, the said Mano' and other the p'misses y'mediatlie remayne and com'e to the right heires of the said Lorde w'owte anye disynheritance of the said Lorde or his heires shall com'e and remayne vnto the said Peter and soche as shall fortune to be his wief and to theires of there two bodies com'inge. And if it fortune the said Peter and his said wief to decesse w'owte heyre of there two bodies, That then the said moytie of all the said Manors, Lordshippes, Land' tenement' Rent' Reu'sions servic' and hereditament' w' thapp't'n'nc' shall remayne vnto the said Seconde Son'e of the said Edward Stourton and suche

as shalbe his wief and to theyres of there two bodies com'inge. And for defaulte of soche yssue the Remaynder therof to the right heires of the said Lorde for ever. And that thother Moitie of the said Manors Lordshippes Land' Tenement' Rent' Reuc'ions servic' and hereditament' Imediatlie after the decesse of the said Lorde shall com'e and remayne vnto the said Edward Stourton and to the heires of his bodie com'inge. The Remainder therof to the right heires of the said Lorde for ever. And furthermore the said Lord Coven'teth and grantethe by thes p'sent' to doe suffer and cause to be don'e at all tymes agayne himself and all other clayminge anye Interest in the p'misses to his vse vpon a quarter of a yeres warnynge to hem therof made for the suertie and p'formance of the p'myssees as by the Counsale of the said Edmond shalbe advysed at the cost' and charg' of the said Edmond his heires or executor', And that all the Manors Lordshippes, Landes tenement' Rent' servic' and hereditament' aforesaid at the tyme of the deathe of the said Lorde shalbe discharged of almaner of former vses and bargayns made by the said Lorde or anye other p'son or p'sons by hem, other then for payment of soche duties as be dewe to the Kinge as is afore rehersed. And also other then Leasys for terme of lief' or yeres. Yeldinge the Rent' therof as it nowe yeldethe. Or els as moche as at tyme of the leasys therof made it maie be letten for. Also the said Lorde coven'teth and grantethe by thes p'sent' vnto the said Edmond that the said Lorde shall not make nor suffer to be made vnto the said Dame Thomasyn his wyeff or to anye p'son or p'sons to her vse anye estate of or in anye of his Manors Lordshippes Land' tenement' or hereditament' over or aboue the value of fyve hundred Marck' by yere for terme of lief of the said Dame Thomasyn or other wais for the Joynture of the said Dame Thomasyn. And the said Lorde coven'n' ethe and grantethe vnto the said Edmond by these p'sent' that Immediatlie after the decesse of the said Lorde and Dame Thomasyn the one moytie of all the Manor' Lordshippes land' ten't' & hereditament' w' thapp't'n'nc' wherof anye soche estate is made vnto the said Dame Thomasyn for her said Joynture shall com'e and growe vnto the said Peter Stourton and to theires of his bodie com'inge, or vnto the said Seconde Son'e of the said Edward and to his heires of his bodie com'inge yf it fortune the said Peter to decesse w'owte yssue of his bodie, Lyving the said Lorde and Dame Thomasyn or either of them. And that the other moitie of the aforesaid Manors Lordshippes Land' ten't' and hereditament' w'thapp't'n'nc' whereof anye soche Joynture shalbe made vnto the said Dame Thomasyn shall Immediatlie after the decesse of the said Lorde and Dame Thomasyn com'e and growe vnto the said Edward Sourton and his heyres or to soche other p'son as shall fortune to be then next heire? of . . . the said Lorde Stourton in fee simple or fee taile ut per p'd'c'm? Indenturam plus plenius liquet et apparet. Et ulterius Jurat' p'd' dicunt super sacr'm suu' p'd' q'd post facc'o'em



Sigillac'o'em et delib'ac'o'em d'c'e Indenture p'd'c'us Petrus in ead'm Indentur  
 specificatus ante matrimoniu' inter eund'm Petru' et filiam p'd' Edmundi solempnizat'  
 id'm Petrus obiit apud Stourton in Com' p'd' sine exit' post cuius mortem Will'mus  
 Stourton Secundus filius d'c'i Edwardi iuxta tenorem p'd' Indentur' dispensavit  
 quand'm Elizabeth Dudley filiam p'd' Edmundi pretextu cuius quid'm matrimonii et  
 virtute d'c'e Indentur' iid'm recup'ator' sei't' fuer' de me'te Man'ior' de Owermoyn  
 Caundell Haddon Houghton Eschelborowe, Huyd', Fyfeld' Nevell, Konkesdiche  
 Shaftysburie, Galton, Suddon, Sherborne et Anteox' p'd' necnon de me'te om'm' terr'  
 Ten' et ceteror' p'missor' in Owermoyn, Caundell Haddon, Houghton, Eschelborowe,  
 Huyd' Fyfeld' Nevell Konkysdiche Shaftysburie Galton Suddon Sherborne et  
 Anteox' p'd' ad vsum p'd'c'i Will'i D'ni Stourton' pro ter'i'o vite sue. Et post eius  
 decessu' ad vsum p'd' Will'mi Stourton' secundi filii p'd' Edwardi et Elizabeth' et  
 hered' de corpor' eor' Legitime p'creat'. Et pro def'tu talis exit' ad vsum rector'  
 hered' d'c'i Will'i D'ni Stourton Et iid'm Recup'ator' sei't' fuer' de altera m'te p'd'  
 Man'ior' ter' 't Ten' de Owermoyn Caundell Haddon Houghton Eschelborowe  
 Huyd' Fyfelde Nevell Konkysdiche Shaftysburie Galton Suddon Sherborne 't  
 Anteox' p'd' ad vsum p'd' Will'mi D'ni Stourton' pro ter'i'o vite sue. Et post eius  
 decessum ad vsum p'd' Edwardi et hered' de corpore suo Legitime exeun' Et pro  
 def'tu talis exit' ad vsu' rector' hered' d'c'i Will'i D'ni Stourton' imp'p'uu'. Et p'd'  
 Recup'ator' de p'd' Man'is de Owermoyn Caundell Haddon Houghton Eschelborowe  
 Huyd' fyfelde Nevell Konkysdiche Shaftysburie Galton Suddon Sherborne 't  
 Anteox' p'd' nec'n de om'ib' terr' et tenement' in Owermoyn Caundell Haddon  
 Houghton Eschelborowe Huyd' fyfeld' Nevell Konkysdiche Shaftysburye Galton  
 Suddon Sherborne et Anteox' p'd', sic inde sei't' existen' p'd' Will'm's D'm'us Stourton  
 Septodeci'o die Februarii anno decimo sexto Henrici octavi apud Stourton p'd' obiit  
 post cuius quid'm Will'mi mortem, p'd' Recup'ator' sei't' fuer' de me'te om'iu' p'd'  
 Man'ior' imp'ime recitat' necnon om'iu' terr' 't tenement' in Owermoyn Caundell  
 Haddon Houghton Eschelborowe Huyd' fyfeld' Nevell Konkysdiche Shaftysburye  
 Galton Suddon Sherborne et Anteox' p'd' ad p'd' sep' [ ] Indentur' p'd'  
 specificat' quousq' quartum diem Februarii Anno xxvij<sup>mo</sup> Henrici octavi. Que  
 quid'm die p'd'c'us Edwardus D'm'us Stourton fuit sei'tus de Me'te om'iu' Man'ior'  
 imp'ime recitat' ac [?] ceteror' p'missor' cu' p'tin' in Owermoyn Caundell Haddon  
 Houghton Eschelborowe Huyd' fyfeld Nevell Konkysdiche Shaftysburye Galton  
 Suddon Sherborne 't Anteox' p'd' in D'm'co suo [ut de] feod' talliat' videli't sibi et  
 hered' de corpore suo Legitime exeun' Et sic inde sei'tus de tali statu inde obiit  
 sei'tus post cuius quid'm Edwardi mortem p'd' medietas om'i' p'd' Manerior' imp'ime  
 recitat' eciamq' om'iu' terr' et ten' in Owermoyn Chaundell Haddon Houghton  
 Eschelborowe Huyd' fyfelde Nevell Konkysdiche Shaftysburye Galton Suddon

Sherburne 't Anteox' p'd' cu' p'tin' discendebat p'd' Will'mo D'no Stourton' ut filio et hered' de corpore p'd' Edwardi D'ni Stourton' Legittime p'creat'. virtute cuius id'm Will'm's D'm'us Stourton' fuit inde sei'tus in D'm'co suo ut de feodo talliato videlic't sibi et hered' de corpore suo legitime exeun'. Et pro def'c'u talis exit' Remanere inde rectis hered' p'd' Will'i D'ni Stourton' imp'p'ui'. Et de altera me'te om'iu' p'd' Man'ior terr' et ten' imp'ime recitat' id'm Will'mus D'm'us Stourton' et Elizabeth vx' eius fuerunt inde sei'ti in D'm'co suo ut de Feod' talliat' videli't sibi et hered' de corpor' eor' inter eos Legitti'e p'creat' Et pro def'tu talis exit' Remanere inde rect' hered' p'd' Will'i D'ni Stourton imp'p'uu'. Et sic inde sei't' h'uerunt exit' inter eos L'ittime procreatu' p'd'c'm Charolu' Stourton. Et p'd' Will'mus sic inde sei'tus de tali statu obiit inde sei'tus. Et p'd' Elizabeth eu' sup'vixit, et se tenuit intus per Jus accrescend'. Et sei't' exist' de me'te p'd' in feod' talliat videli't sibi et hered' de corpore sui Will'mi et Elizabeth' Legittime procreat'. Et adhuc in plena vita exist' apud Caundell Haddon p'd'. Et p'd'c'us Charolus h'uit exit' Joh'em nunc D'm'u' Stourton. Et postea p'd' Charolus p'd'c'o duodecimo die Januarii in p'd' com'issione sp'ificat' murdr' et feloniam p'd' fecit et p'petrauit. Et pro eisd'm murdr' 't feloniam xxvj<sup>to</sup> die Februarii annis Tercio et Quarto sup'd' attinct' et conuict' fuit ut per Record' inde plus plenius apparet Et postea ad mortem traditus et delib'at' fuit Racione cuius attinctur' Reu'cio in feod' simplici Man'ior' 't ceteror' p'missor' imp'ime recit' ad manus D'ne Regine hered' et Successoribus suis devenit tanq'm escaeta sua. Et dicunt insuper Jurator' p'd' q'd' diu anteq'm p'd' duodecimu' diem Januarii et anteq'm p'fatus Charolus de murdr' et feloniam p'd' attinct' et conuict' fuit Idem Charolus D'm'us Stourton fuit sei'tus de Man'us de Caundell Haddon al's Stourtons Caundell Lydlynche Huyd' Weston' Buchorne fyfeld' Nevell et Houghton vna cum aduocac'o'ib' eor'd'm, necnon om'ibus messuag' terr' 't Ten' prat' pasc' et pastur' bosc' subbosc' Redit' Reu'c' 't s'ui' ac om'ib' aliis hereditamen' suis quibuscu'q' cu' o'i'b' et sing'lis eor' p'tin' in Caundell Haddon al's Stourtons Caundell Anteox' 't Mershe Lydlynche Huyd' Ram'esburye Blackrewe Haydon et Holbroke Weston Buchorne Fyfeld' Nevell et Houghton in Com' p'd' videli't de Maneriis p'd' cu' eor' p'tin' ac ceteris p'misses in Anteox' Mershe Ramesburye Blackrewe Haydon Holbroke Weston Buchorne fyfeld' Nevell et Houghton p'd' in D'm'co suo ut de feod'. Et de advocac'o'ib' p'd' ut de feod' et iure. Et ip'e Charolus Stourton Miles D'm'us Stourton sic inde sei'tus existen' per quodd'm scriptu' suu' indentat' Jurat' p'd' super cap'c'o'em hui' inquisic'onis in eviden' ostenc' cuius dat' est Tercio die Decembris anno Regni D'ni Edwardi nuper Regis Anglie Sexti Quarto in complemen' quar'd'm Conuenc' et agreeament' specificat' et declarat' in quibusd'm Indentur' inter p'nobilem Comitem Derb' D'm'u' Stanley et Strange, ac D'm'u' Manne 't Insular' ac p'nobilis ordinis garter' Militem ex vna parte et p'fatum Charolum D'm'u' Stourton ex altera

p'te fact', quar' dat' fuit Octauo die februaryi anno regni p'd' nup' Regis Edwardi Sexti Tercio, Dedit concessit et eodem scripto suo confirmauit, Henrico Comiti Sussex Francisco Com' Huntington' Henrico D'no Strange Edwardo D'no Clynton' D'no Admirall' Anglie Will'm's D'no Wyndsore Thome D'no Wharton' Thome Wharton' Militi Edwardo Hastyng' Militi Thome Arundell Militi Joh'i Rogers Militi et Will'mo Hanniam generoso p'd' Man'ia de Caundell Haddon al's Stourtons Caundell Lydlynche Huyd' Weston Buchorne fyfeld' Nevell et Howghton vncum aduocac'onib' eor'd' Necnon om'ia messuag' terr' et ten' prat' pasc' et pastur' bosc' subbosc' Reddit' Reu'cion' et servic', ac om'ia alia heredit' sua quecu'q' cu' om'ib' et sing'lis eor' p'tin' in Caundell Haddon al's Stourtons Caundell Antcox' 't Mershe Lydlynche Huyd' Ram'esburye Blackrewe Haydyn et Holbroke Weston Buchorne Fyfeld Nevell et Howghton in Com' Dors' H'end' et tenend' om'ia p'd' Man'ia de Caundell Haddon al's Stourtons Caundell Antcox' Lydlynche Huyd' Weston Buchorne fyfeld Nevell et Howghton ac cetera p'missa cu' eor' p'tin' in Caundell Haddon al's Stourtons Caundell Antcox' Mershe Lydlynche Huyd' Ramesburye Blackerewe Haydon 't Holbroke Weston Buchorne fyfeld Nevell et Houghton vncum aduocac'onib' eor'd'm in d'co Com' Dors' p'fatis Henrico Comiti Sussex' Francisco Com' Huntington' Henrico D'no Strange Edwardo D'no Clynton' Will'mo D'no Wyndsore, Thome D'no Wharton' Thome Wharton Militi, Edwardo Hastyng' Militi, Thome Arundell Militi Joh'i Rogers Militi, et Will'mo Han'am generoso hered' et assign' suis ad opus et vsum p'fati Charoli D'ni Stourton et D'ne Anne vx'is sue pro termino vitar' suar' et alterius ear' diutius viuent'. Et post decessum eor' ad opus et vsu' hered' de corpore p'fati Charoli Legittime procreat' seu p'creand'. Et pro def'tu talis exit' ad opus et vsu' rector' hered' ip'ius Charoli, Tenend' de capital' D'nis feod' ill' per Reddit' et servic' inde prius debita et de Jure consueta p'ut in ead'm Carta plenius continetur cuius quid'm carti p'textu ac vigore et p'textu cuiusd'm statuti de vsibus quarto die februaryi Anno Regni D'ni Henrici nup' Regis Anglie Octau'i vicesimo septimo edit' prefat' Charolus D'm's Stourton et D'na Anna vx' eius fuerunt sei't de p'd' Maneriis de Caundell Haddon al's Stourtons Caundell, Antcox' Mershe Lydlynche Huyd' Ramesburye Blackrewe Haydon et Holbroke Weston Buchorne fyfeld' Nevell et Howghton vncu' advocac'o'ib' eor'd'm. necnon de om'ib' 't sing'lis messuag' terr' et Ten' prat' pasc' et pastur' boscis subboscis Reddit' Reu'c' 't s'uic' ac om'ib' aliis heredit' suis quibuscu'q' cu' om'ib' 't sing'lis eor' p'tin' in Caundell Haddon al's Stourtons Caundell Antcox' Mershe Lydlynche Huyd' Ramesburye Blackrewe Haydon 't Holbroke Weston Buchorne fyfeld Nevell et Howghton' in d'co Com' Dors' in D'm'co suo ut de libero Tenemento videli't pro t'i'o vitar' suar' et eor' alterius diutius viuen' Remanere inde post eor' decessu' hered' de corpore p'fati Charoli Legittime adtunc p'creat' seu p'creand'. Et pro def'tu talis exit' Remanere inde r'cis hered' ip'ius

Charoli imp'p'uu'. Ip'isq' sic inde sei't' existen' id'm Charolus h'uit exit' de corpore suo Legittime p'creat' viz, Joh'em Stourton nunc D'm'u Stourton. Et postea p'd' Charolus p'd' xij<sup>mo</sup> die Januarii in p'd' Com'issione specificat' murdr' et feloniam p'd' fecit et perpetravit. Et pro eis'd'm murdr' et feloniam xxvj<sup>to</sup> die Februarii Annis Tercio et Quarto suprad' attinct' 't convict' fuit ut p' Record' inde plenius liquet. Et pro eis'd'm ad mortem traditus fuit. Et p'fata D'na Anna ip'm sup'vixit et se tenuit intus in Maneriis p'd' et ceteris p'missis cu' p'tin' p'Jus accrescend' Et est inde sei't' in d'm'co suo ut de libero Ten' Remanere inde p'fato Joh'i Stourton' nu'e D'no Stourton' ut filio et hered' de corpore p'd' Charoli legitti'e p'creat' Remanere inde p' def'tu t'lis exit' rect' hered' p'fati Charoli. Et ead'm D'na Anna tempore Capc'onis huius inquisic'onis in plena vita existerat apud Caundell Haddon p'd' Reu'cio in feod' simplici Man'ior' 't ceteror' p'missor' imp'ime recit' Rac'one p'd' attinctur' d'c'i Charoli Stourton' nuper D'ni Stourton' ad manus D'ne Regine hered' 't successor' suis devenit tanq'm Escaeta sua. Et dicunt p'terea Jurator' p'd' q'd' diu anteq'm p'fatus Charolus D'm'us Stourton' de feloniam et murdr' p'd' attinctus 't convict' fuit p'fatus Will'm's D'm'us Stourton' fuit sei'tus in D'm'co suo ut de Feod' de 't in Maneriis de Henton Marye et Caundell purs ac de cert' terr' 't Ten' in Tollerd cum suis membris et p'tin' vniu'sis in Com' p'd'. Et ip'e sic inde sei'tus existen' p' quand'm Cartam suam Jur' p'd' sup' Capc'o'em hui' inquisit'onis in evidenc' osten' cuius Dat' est vicesimo die mensis Marcii Anno Regni p'd' D'ni Henrici nup' R' Anglie Octavi xxxvij<sup>mo</sup> dedit concessit 't ead'm carta sua confirmavit dilecto filio suo Egidio Stourton' generoso quand'm Annuitatem sine Annualet Redditi viginti librar' Leg'lis monete Anglie exeun' An'ti de p'd' Manerio de Henton Marye cu' suis membris et p'tin' vniu'sis in d'co Com' Dors', necnon de om'ib' messuag', terr', Ten', p't', pasc', pastur' 't ceteris hereditamen' et p'ficiis suis quibuscu'q' cu'suis p'tin' in Henton Marye p'd' aut alibi vbicu'q' in p'd'co Com' Dors' p'd'co Manerio quoque mo' spectan' sine p'tin', H'end' tenend' p'cipiend'. Leuand' et gaudend' p'd' annuitatem siue annual' Reddit' viginti librar' p'fato Egidio Stourton' filio suo et assign' suis durant' vita natural' ip'ius Egidii Stourton' soluend' annuatim ad quatuor annui ter'i'os videli't ad fest' nat' S'c'i Joh'nis Bapti'e S'c'i Mich'is Arch'i Nat'lis D'ni et Annunciac'onis b'te Marie Virginis p'equal' porc'ones. Et si contingat p'd' Annuitatem siue Annualet Redd' viginti Librar' imposteru' aretro fore in p'te vell in toto post aliquod fest' festor' p'd' quo ut p'dictum est solui debeat per spac'm duor' mensiu' q'd' tunc et tociens pro quoli't tali def'tu soluconis p'd' annuitat' siue annualis Reddit' viginti Librar' vel alicuius inde p'cell' p'fatus Will'us Stourton Miles D'inus Stourton' pro se et hered' suis dedit et p' eand'm Cartam suam concessit p'fato Egidio filio suo, Decem Solid' sterling' no'i'e pene cu' quad'm Clausula districe'onis pro non Soluc'one eor'd'm in eod'm script' sp'ifical' p' ut in eod'm scripto inter alia plenius continetur. Et ulterius Jurat' p'd' dicunt q'd'

p'd'c'us Will'm's D'm'us Stourton sic inde se'tus p' aliud sc'ptu' suu' Jurat' p'd' super capc'o'em huius inquisic'onis in evidenc' ostenc' cui' Dat' est vicesimo die Marci Anno xxxvij<sup>o</sup> p'd' nup' D'ni Regis Henrici octau'i dedit concessit et eod'm scripto suo confirmauit dilecto filio suo Georgio Stourton generoso quand'm annuitatem siue annual' Redditu' viginti librar' Leg'lis monete Anglie exeun' annuatim de p'd'co Manerio de Henton Marye cu' suis membris et p'tin' in Com' Dors' p'd' necnon de 't in om'ibus messuag' terr' Ten' p't' pasc' pastur' et ceteris heredit' t' proficuis suis quibuscu'q' cu' suis p'tin' in Henton Marye p'd' aut alibi vbicu'q' in p'd' Com' Dors' p'd' Man'io quoquo modo spectan' sine p'tinen'. H'end' tenend' p'cipiend' Leuand' et gaudend' p'd' annuitatem siue annualem Redditu' viginti Librar' p'fato Georgio Stourton filio suo et assign' suis durante vita naturali ip'us Georgii Stourton Soluend' annuatim ad quatuor Anni terminos videli't festa Nat' S'c'i Joh'nis Bapti'e S'c'i Mich'is Arch'i Nat'lis D'ni 't Annunciac'onis b'te Marie Virginis p' equales porc'onas. Et si contingat p'd' annuitatem siue annual' Reddit' viginti Librar' imposteru' aretro fore insolut' in p'te vel in toto post aliquod festum festor' p'd' quo ut supradict' est solui debeat per spac'm duor' mensiu' q'd tunc et tociens pro quolit' tali deftu soluc'onis p'd' annuitat' siue annual' Reddit' xx li' vel alicuius inde p'celle p'fatus Will'm's Stourton' Miles D'm'us Stourton pro se et hered' suis dedit et p' id'm scriptu' suu' concessit p'fato Georgio filio suo decem solid' st'ling' no'ie pene, cum Clausula districe'onis pro non soluc' eor'd'm in eod'm scrip' specificat' prout in eod'm scripto plus plenius liquet et apparet. Et ulterius Jurat' p'd' dicunt q'd diu ante p'd' duodecimu' diem Januarii et ante attinctur' d'c'i Charoli p'd'c'us Charolus Stourton' Miles D'm'us Stourton' fuit se'tus in D'm'co suo ut de feod' de 't in Man'io de Henton Marye p'd' in p'd'co Com' Dors' cu' suis p'tin'. Et sic inde se'tus existen' per scriptu' suu' Jurat' p'd' super capc'o'em hui' inquisic'onis in evidenc' ostenc' Cuius Dat' est Octavo die Octobris Anno Regni D'ne Marie Regine nunc primo dedit et concessit et eod'm scripto suo confirmauit Andree Stourton fr'i suo et Katherine Para'm vx' [eius] vnu' annuitatem siue annualem Reddit' viginti Librar' exeun' de et in Manerio suo de Henton Marye p'd' in d'co Com' Dors' cum suis p'tin'. H'end' tenend' occupand' recipiend' et p'cipiend' d'c't' Annuit' siue annualem Reddit' viginti Librar' p'fat' Andree et Katherine pro ter'io vite ip'or' Andree t' Katherine t' eor' alterius diucius viuen', ad duo Anni festa videli't ad festa Annuc'iac'onis b'te Marie Virginis et S'c'i Mich'is Arch'i equis porc'onib' soluend' cum Clausula districe'onis pro non soluc'one eor'd'm in eod'm scripto specificat' prout in eod'm scripto plus plenius liquet 't apparet. Et postea p'd' Charolus p'd' duodecimo die Januarii in p'd' com'issione specificat' murdr' t' felon' p'd' fecit et p'petrauit Et pro eis'd'm murdr' et felon'ia xxvj<sup>to</sup> die Februarii annis Tercio et Quarto sup'd' attinct' t' conuictus fuit ut per Record' inde plenius liquet. Et postea ad mortem traditus et delib'atus fuit. Et ulterius Jurat'



p'd'c'i dicunt quod p'fatus Will'm's Stourton Miles D'm'us Stourton p' quadd'm scriptu' suu' cuius dat' est vicesimo die Marci Anno Regni p'd' nup' Regis Henrici octavi xxxvij<sup>mo</sup> ac Jurat' predictis super capc'o'em huius inquisic'onis in evidenc' ostenc' dedit concessit et eod'm scripto suo confirmavit dilecto filio suo Andree Stourton generoso quand'm Annuitatem siue annual' Reddit' viginti librar' Leg'lis monete Anglie exeun' annuatim de p'd' Manerio de Caundell Purs cu' suis membris et p'tin' vniu'sis in d'c'o Com' Dors' necnon de 't in om'ib' messuag' terr' ten' prat' pascuis pastur' et ceteris heredit' et profic' suis quibuscu'q' cu'suis p'tin' in Caundell Purs pred'ant alibi vbicu'q' in d'c'o Com' Dors' eid'm Manerio quoquo m'o spect' siue p'tinen', H'end' tenend' p'cipiend' Levand' et gaudend' p'd' Annuitatem siue annualem Reddit' viginti librar' p'fato Andree Stourton filio suo 't assign' suis durant' vita naturali ip'ius Andree Soluend' annuatim ad quatuor Anni t'i'os viz. ad festa Nat' S'c'i Joh'nis Bapt'ie S'c'i Mich'is Arch'i Nat' D'ni et Annu'ciac'onis b'te Marie Virginis per equales porc'ones. Et si contingat p'd' annuitatem siue annual' Reddit' viginti librar' imposterum aretro fore insolut' in p'te vel in toto post aliquod festu' festor' p'd' quo ut p'dictum est solui debeat p' spaciū duor' mesiu' q'd tunc 't tocien's pro quoli't tali def'tu soluc'onis p'd' Annuitat' siue annual' Reddit' viginti librar' vel alicuius inde p'celle, p'fatus Will'us Stourton Miles D'm'us Stourton pro se et hered' suis dedit et p' id'm scriptu' suu' concessit p'fato Andree filio suo decem Solidos sterling' no'i'e pene, cum quad'm Clausula districc'onis pro non soluc'one eor'd'm in eod'm scripto specificat' p'ut in eod'm scripto inter alia plenius continetur. Et p'fat' Will'm's D'm'us Stourton' de p'd' Maner' de Henton Marye 't Caundell Purs cu' eor' p'tin' vniu'sis ac de p'd' p'cell' terr' et Ten' in Toller'd p'd' in Com' p'd' in forma p'd' sei'tus existen' de tali statu inde obiit sei'tus, post cuius mortem Maner' p'd' descend' p'fato Charolo D'no Stourton ut filio et hered' p'd' Will'mi virtute cuius id'm Charolus in ead'm Maneria de Henton Marye 't Caundell Purs, et cetera p'missa in Toller'd p'd' intrauit et fuit inde sei'tus in D'm'co suo vt de Feod' Et postea p'd' Charolus p'd' xij<sup>mo</sup> die Januarii in p'd' com'issione specificat' murdi' et feloniam p'd' fecit et perpetravit. Et pro eisd'm murdr' et feloniam xxvj<sup>to</sup> die februarii Annis Tercio et quarto suprad'c'is attinct' et conuict' fuit ut per Record' inde plenius liquet. Et postea ad mortem tradit' fuit. Et ulterius Jurator' p'd' dicunt q'd diu antiq'm p'fatus Charolus D'm'us Stourton de feloniam et murdr' p'd' conuict' et attinct' fuit id'm Charolus D'm'us Stourton' fuit sei'tus in d'm'co suo ut de feod' de et in Manerius de Henton Margett' Mershe et Nyland al's Ilond ac de om'ib' et sing'lis Messuag' terr' et Ten' suis quibuscu'q' cu' suis p'tin' in Henton Margett' Mershe et Nyland in d'c'o Com' Dors' Ip'oq' sic inde sei't' existen' p' quasd'm Indentur' geren' dat' xxv<sup>to</sup> die Junii anno Regni D'ne Marie nu'c Regine primo, inter p'fatu' Charolum Stourton Militem D'm'us Stourton' ex vna p'te. Et Joh'em Souche de Anstie in Com' Wiltes' Militem ex altera p'te confect'

prefatus Joh'es Souche pro cert' considerac'onib' in eisd'm Indentur' sp'ificat' dedit concessit et surs' Reddit' p'fato Charolo D'no Stourton' ad vsum eiusd'm Charoli totum Jus suu' tit'lu possession' interesse et clam' sua que id'm Joh'nes Souche ad tu'c habuit in et ad officiu' Senescall' et Balliuat' de Mere in Com' Wiltes', ac in et ad herbagiu' et panagiu', parci de Mere et Custod' eiusd'm p'ci cu' om'ib' feod' com'odit' t' advantag' que ip'e Joh'nes Souche ad tu'c h'uit in et ad ead'm vel ad tunc h'ere poterit virtute l'rar' paten' D'ni Henrici nup' Regis Anglie octavi, ger' Dat' decimo die Januarii anno tricesimo eiusd'm Regis inde ei confect' In quor' considerac' p'fatus Charolus D'm'us Stourton' pro se hered' execut' t' admi'strac' suis et eor' quol't conveniebat concessit t' promisit per easd'm Indentur' cu' p'fato Joh'ne Souche Milite hered' t' execut' suis q'd ip'e p'fatus D'm'us Stourton' infra vnu' mensem post dat' Indentur' p'd' faceret vel fieri causarit p'fato Joh'i Souche Militi quodd'm securu' p'fectu' t' sufficien' concessionem cuiusd'm Annuitatis siue annual' Reddit' Quadraginta et triu' Librar' annuatim soluend' p'fato Joh'i Souche et assign' suis ad festa Annu'ciac'onis b'te Marie Virginis t' S'c'i Mich'is Arch'i per equales por'cones exeun' et provenien' extra om'ia illa Maneria terr' t' Ten' voc' Henton Marye Margett' Mershe t' Nylond al's Ilond in d'c'o Com' Dors' ac extra quamli't inde p'cellam annuat' Soluend' ad festa p'd' cum Clausula districc'onis in eod'm scripto continend' ad distringend' in om'ib' t' sing'lis p'missis pro non soluc'one eiusd'm Annuitatis siue Annualis Reddit' quadraginta triu' librar' et cuiusli't inde p'celle prout in eisd'm Indentur' inter alia plenius continetur. Et postea prefatus Charolus Stourton' Miles D'm'us Stourton' per quodd'm scriptum suu' Jurator' p'd' super Capc'o'em huius inquisic'onis in evidenc' ostenc' cuius Dat' est vicesimo Quinto die Junii Anno Regni p'fate D'ne Regine nunc Marie primo iuxta forma' et effectu' p'd' Convenc' in p'd' Indentur' inde inter eund'm Charolu' et p'fatu' Joh'em Souche fact' dedit concessit et eod'm scripto suo confirmavit p'fato Joh'i Souche Militi et assign' suis p'dict' Annuitatem siue annualem Reddit' Quadragint' triu' librar' Leg'lis monete Anglie exeun' de Maner' suis de Henton Marye Margett' Mershe t' Nylond al's Ilonde in Com' Dors' ac de om'ib' t' sing'lis Maneriis terr' t' Ten' suis quibuscu' q' in Henton Margett' Mershe t' Nylond al's Ilond in d'c'o Com' Dors' et de quali't inde p'cella H'end' Leuand' et p'cipiend' p'd' annuitatem siue annual' Redditu' Quadraginta Triu' librar' Leg'lis monete Anglie exeun' de t' in om'ib' et sing'lis Maneriis terr' et Tenement' p'd' cu' suis p'tin' et de quali't inde p'cella p'fato Joh'ni Souche Militi t' assign' suis pro termino vite t' durant' toto vita naturali ip'ius Joh'nis Souche ad festa Annu'ciac'onis b'te Marie Virginis et S'c'i Mich'is Arch'i equis porc'onib' annuatim soluend' duran' eod'm term'io cum Clausula districc'onis pro non soluc'one eiusd'm Annuitatis siue Reddit' in eod'm scripto specificat' prout in eod'm scripto inter alia plenius continetur. Et dicunt eciam Jur' p'd' q'd' p'd' virgat' r'r' cu' suis p'tin' in Gyllyngh'm ad quam p'd' balli'a ad custodiend' forest' t' p'cu'



de Gyllyngh'm tenetur de d'cis D'no Rege 't D'na Regina p' serviciu' custodiend' parcum 't forrest de Gyllingham p'd' capiend' pro custod' p'd' feod' ab antiquo consueta Et valet p' an' in o'ib' exit' [suis] ultra rep's' quadragint' solid' Et Jur' p'd' dicu't q'd p'd' Man'ia de Owermoyn Suddon 't Galton ac cetera p'missa in Owermoyn Suddon et Galton cu' p'tin' tenentur de d'cis D'no Rege 't D'no Regina nu'c in capit' per servic' milit' Et val' p' an' ultra repris' xvij li' viij s' Et q'd p'd'c'm Man'iu' de Caundell Haddon ac o'ia terr' 't ten'ta in Caundell Haddon p'd' cu' p'tin' tene'tur de Henrico Com' Arundell' Sed per quod s'uic' Jur' p'd' ignor' Et val' p' an' in o'ib' exit' suis ult' rep's' sexaginta libi' decem solid' Et q'd p'd' Man'ia de Stourmyster Marshall 't Konkysdiche cu' suis p'tin' tenentur de d'cis D'no Rege 't D'no Regina ut de Man'io suo de Cramborne p' q't' p't' vniu' feod' Militis, et val' p' an' in o'ib' exit' ultra repr' vj li' xvij s' viij d'. Et q'd Man'iu' de Houghton cu' suis p'tin' tenet' de d'cis D'no Rege 't D'na Regina ut de Man'io suo de Pymperne Sed p' que s'uic' Jur' p'd' ignor'. Et val' p' an' ultra rep's' xj li' vij s' iij d' ob'. Et q'd Man'iu' de Eschelborough' ac o'ia terr' 't ten't in Eschelborough' p'd' cu' suis p'tin' tenentur de D'no Rege 't D'na Regina p' q't' p't' vniu' feod' Militis. Et val' p' an' ult' rep's' Octodecem libras. Et q'd om'ia terr' 't ten'ta in Huyde p'd' cu' suis p'tin' tenentur de D'no Rege 't D'na Regina nu'c, ut de nup' monest' de Abotysburye Sed p' que s'uic' Jur' p'd' penitus ignor' Et val' p' an' in o'ib' exit' suis ultra rep's' quatuor libras. Et q'd p'd' Man'iu' de Fyfeld Nevell p'd' ac o'ia t'r't Ten' in Fyfeld Nevell p'd' tenentur de D'no Rege 't D'na Regina ut de Man'io suo de Pymperne predict' p' xx' p't' j feod' mil'. Et val' p' ann' ultra rep's' Centum Solidos. Et q'd om'ia terr' 't ten'ta in Shaftysburye cu' suis p'tin' tenentur de Ep'o Sar' Sed per que s'uic' Jur' p'd' ignor' Et val' p' an' in o'ib' exit' suis ultra rep's' iij li' xvij s' Et q'd o'ia terr' et ten't sup'd' in Sherburne cu' suis p'tin' tenentur de Ep'o Sar' Sed per que s'uic' Jur' p'd' penitus ignor' Et val' p' an' in o'ib' exit' suis ultra rep's' Sex Libras. Et q'd om'ia terr' et ten'ta in Anteox' p'd' cu' suis p'tin' tenentur de Ep'o Sar' Sed p' que s'uic' Jur' p'd' penitus ignor' Et val' p' an' in om'ib' exit' suis ultra rep's' Tres Libras Et q'd p'd' Maner' de Henton Marye Margaret' Marshe et Nyland cu' suis p'tin' tenentur de d'cis D'nis Rege et Regina in Capite per vicesimum partem vnus Feod' Militis Et val' p' ann' in om'ib' exit' suis ultra rep's' Quadraginta quinq' libr', Et q'd p'd' terr' 't Ten'ta in Tollard cu' suis p'tin' tenentur de d'cis D'no Rege 't D'na Regina in capite p' vicesimu' p'tem vni' feod' Militis Et val' p' ann' in om'ib' exit' suis ultra rep's' quatuor Solidos Et q'd p'd' Maneriu' de Caundell Purse cu' suis p'tin' tenetur de d'cis D'nis Rege et Regina in Capite per vicesimu' partem vnus Feod' Militis. Et valet per ann' in om'ib' exit' suis ultra rep's' Sexdecem libr' tresdecem solid'. Et ulterius Jurat' p'd' dicunt q'd p'd'c'us Charolus p'd' duodecimo die Januarii in p'd' com'issione spe'ificat' die murdr' 't felon' p'd' perpetrac', 't p'd' xxvj<sup>to</sup> die februar' die attinctur' 't convict' sue seu vnq'm

postea nulla alia D'm'ia Maner' t'r' seu ten'ta habuit vel tenuit in dicto Com' in D'm'co  
 Reu'c'one nec in s'uicio nec aliquis alius siue aliqui alii plur' terr' aut ten'ta habuit vel  
 tenuit habuer' seu tenere ad vsum p'd' Charoli Et q'd p'd' Charolus nup' D'n's  
 Stourton obiit apud Sar' in Com' Wiltes' Sexto die Marcii ult' p'tit'. Et q'd p'd'  
 Joh'es D'm'us Stourton est eius filius et heres propinquior quiquid'm Joh'es p'd' Sexto  
 die Marcii fuit etatis Quatuor annor' et Duor' mensiu' Et Insuper Jur' p'd' dicunt q'd  
 p'd' Charolus die obitus sui habuit exit' Mariam etatis septem annor', Annam etatis  
 Sex annor', Katerinam etatis triu' annor', Edwardu' etatis duor' annor' et Charolum  
 etatis vni' Anni. In cuius Rei Testi'oniū t'm p'd' Com'issionar' q'm p'd' Jur' huic  
 Inquisic'o'i Indentat' Sigilla sua alternatim apposuerunt Dat' apud Sherburne p'd' die  
 et Annis prius suprad'c'is."

Of the foregoing the following is a translation :

Co. Dorset. Inquisition indented taken at Sherburne in the County aforesaid  
 on the seventh day of July in the third and fifth (*sic*) years of  
 the reigns of Philip and Mary, by the Grace of God King and Queen of England,  
 the Spains, France, the two Sicilies, Jerusalem and Ireland, Defenders of the Faith,  
 Archdukes of Austria, Dukes of Burgundy, Milan and Brabant, Counts of Hapsburg,  
 Flanders, and the Tyrol, before Humphrey Colles, Roger Walrond and Robert Dyrdo,  
 Esquires, Commissioners of the said Lord the King and Lady the Queen, by virtue  
 of a certain commission of the said Lord the King and Lady the Queen, to them the  
 aforesaid Humphrey Colles, Roger Walrond and Roberto Dyrdo directed, to enquire by  
 honest and legal men of the County aforesaid regarding all and singular the manors,  
 lands, tenements, rents and advowsons of churches, chapels and other ecclesiastical  
 benefices whatsoever, and regarding all and singular the offices, liberties, franchises,  
 commodities and hereditaments whatsoever in the county aforesaid whereof Charles,  
 late Lord Stourton, lately convicted of felony and murder, was seised on the twelfth  
 day of January in the third and fourth years of the reigns of our said Lord King  
 and Lady Queen, or at any time afterwards, in his demesne as of fee or in any  
 manner of fee tail, and what and how many lordships, manors, lands, tenements and  
 hereditaments the said late Lord Stourton held on the day and years aforesaid from the  
 said Lord the King and Lady the Queen, and by what services; and what and how much  
 the lordships, manors, lands, tenements and hereditaments aforesaid of the said late  
 Lord Stourton are worth yearly beyond expenses; and also on what day and in what  
 year the said late Lord Stourton died; and what sons or daughters the said Charles,  
 Lord Stourton had on the day of his death, and which of them is his next heir, or  
 ought to be if the aforesaid Charles, Lord Stourton had not been attainted, and of

what age the said heir is. By virtue of which commission, to this inquisition annexed, Robert Coker, Christopher Chyvell, Edward Knoyle, John Leweston, William Gerrerd, Robert Gerrerd, Robert Baylewaye and Thomas Mullens, Esquires, and Robert Thornehyll, William Durdo, Morgan Poldon, Richard Watkyns, Hugh Weston, John Colyar, Robert Staunton, Robert Goodhyne, William Mere, Thomas Yonge, Thomas Deaye, Thomas Atwater and Robert Hodge, gentlemen, elected, tried and sworn as to the truth of the matters above set forth, before the commissioners aforesaid, on the day and years above-written, say, upon their oath, that long before the said Charles, Lord Stourton was attainted and convicted of felony and murder, the Lord Henry VI. late King of England, by his letters patent dated at Westminster the thirteenth day of May in the twenty-sixth year of his reign, and produced in evidence to the said Jurors at the taking of this inquisition, considering the probity and ancient renown of the family of his well-beloved and faithful Knight, John Stourton, and also the praiseworthy services which the said John had rendered both to the dearly-loved father of the said late King, then deceased and to the said late King himself, and which he then continued daily to render, erected and created the said John (as his merits demanded) Baron and Lord Stourton of Stourton, and gave and granted to him all and all manner of style, name, dignity, seat, prerogative, and pre-eminence whatsoever to the rank of Baron appertaining, to have all this style, name, dignity, seat, prerogative and pre-eminence to him, the said John Stourton, and the heirs male of his body. And the said Lord King willed and granted by his same letters patent that the said John Stourton should be named and called Lord, and the heirs male of his body lawfully begotten should be named and called Lords Stourton of Stourton, as in the said letters patent among other things is more fully contained; by virtue of which letters patent, and in accordance with their force, tenor and effect, the said Sir John Stourton, Knight, was named and called by the name of Sir John Stourton, Knight, Lord Stourton of Stourton. And this John, so named and called, had issue male of his body lawfully begotten, William Stourton. And afterwards the said John died, after whose death the aforesaid William Stourton was named and called by the name of William Stourton, Lord Stourton of Stourton. And this William, so named, had issue male of his body lawfully begotten, John Stourton, William Stourton, and Edward Stourton. And afterwards the said William, Lord Stourton, died, after whose death the aforesaid John Stourton was named and called by the name of John Stourton, Lord Stourton of Stourton. And the said John, so named and called, died without heir male of his body lawfully begotten,\* after whose death the aforesaid William Stourton, brother of the said John, Lord Stourton, and kinsman and next heir male of the body of the said John in the said letters patent named, was called and named by the name of

\* Francis, fourth Lord Stourton, is omitted.

William, Lord Stourton of Stourton. And this William, thus named and called, died without heir male of his body lawfully begotten, after whose death the aforesaid Edward Stourton, brother of the said William, and kinsman and next heir male of the body of the aforesaid John, Lord Stourton in the said letters patent named, was called and named by the name of Edward Stourton, Lord Stourton of Stourton. And this Edward, so named and called, had issue male of his body lawfully begotten, William Stourton. And afterwards the said Edward died, after whose death the aforesaid William Stourton was called and named by the name of William Stourton, Lord Stourton of Stourton. And this William, so named and called, had issue male of his body lawfully begotten, the aforesaid Charles Stourton in the said commission named. And afterwards the said William died, after whose death the said Charles Stourton was named and called by the name of Charles Stourton, Lord Stourton of Stourton. And the said Charles, so named and called, had issue male of his body lawfully begotten, John Stourton, now Lord Stourton of Stourton. And afterwards the aforesaid Charles, on the said twelfth day of January in the said commission specified, committed and perpetrated murder and felony, and for the same murder and felony was attainted and convicted on the twenty-sixth day of February in the years above-said, as by the record thereof more fully and clearly appears; and was for the said murder and felony put to death, after whose death the aforesaid Barony of Stourton descended to the said John, now Lord Stourton, as son and heir male of the body of the aforesaid Charles lawfully begotten.

And further the said jury say upon their oath that a long time before the aforesaid Charles, Lord Stourton, was attainted and convicted of felony and murder, a certain John Hayme, deceased, was formerly seised in his demesne as of fee of one virgate of land with its appurtenances in Gyllingham, to which said virgate of land belongs, and from time immemorial has belonged, a certain bailiwick to keep the forest and park of Gyllingham, and is called the forest of the fee, or the forest bailiwick of the fee in the forest and park aforesaid. And the said John Hayme a long while before his death, by his charter, gave the said virgate of land with its appurtenances, whereunto belongs the said bailiwick to keep the said forest and park, to John Wyke, Richard Tressylien and Robert Walleredge, to have and to hold to them and their heirs for ever; by virtue of which gift, the said John Weke, Richard and Robert were seised thereof; which said John Weke, Richard and Robert, thus seised thereof, gave the aforesaid virgate of land with its appurtenances, whereunto belongs the said bailiwick, to the aforesaid John Hayme and Isabella his wife, to have and to hold to them the said John Hayme and Isabella, and the heirs of the body of the said John Hayme, on condition that, if the said John Hayme and Isabella should die without heirs of the body of the said John Hayme, then the said virgate of land with

its appurtenances, whereunto belongs the said bailiwick, as is set forth above, should remain to John Belvale and Katherine his wife, and the heirs of the bodies of the said John Belvale and Katherine; and that, if the said John Belvale and Katherine should die without heirs of the bodies of the said John Belvale and Katherine, then the aforesaid virgate with its appurtenances, whereunto the said bailiwick belongs, should remain to the right heirs of the said John Belvale for ever; by virtue of which gift the said John Hayme was seised as of fee tail and in right, and the aforesaid Isabella was seised thereof as of fee tenement. And the said Isabella died. And the aforesaid John Belvale and Katherine had issue Johanna, daughter and sole heir of the body of the said John Belvale and Katherine his wife lawfully begotten, which same Johanna was married to one Sir John Moyne, knight; and this Sir John Moyne and the aforesaid Johanna had issue lawfully begotten Elizabeth, sole heir of the said John Moyne and Elizabeth his wife, which Elizabeth was married to William Stourton. And this same William Stourton and Elizabeth had issue John Stourton. And afterwards the said John Belvale and John Moyne and Johanna his wife died, and the aforesaid William, Lord Stourton, and Elizabeth his wife likewise died, and afterwards the said Katherine died. And after this the aforesaid John Hayme, seised as is abovesaid of the status set forth in the said virgate of land with its appurtenances, whereunto belongs the said bailiwick, died without heir of his body, after whose death the aforesaid virgate of land, and the bailiwick aforesaid, with its appurtenances remained and belonged to the aforesaid John Stourton as kinsman and heir of the said John Belvale and Katherine, to wit, son of the said William, Lord Stourton and Elizabeth, his wife, daughter of the said John Moyne and Johanna, his wife, daughter of the said John Belvale and Katherine, by virtue of the remainder aforesaid, as in a certain inquisition indentate, (taken at . . . before . . . Escheator of the said late King in the County aforesaid and in County Somerset, by virtue of a writ of *mandamus* of the said King to the said late Escheator directed after the death of John Hayme, and annexed to the inquisition aforesaid (which is produced in evidence to the Jury on the taking of this inquisition), amongst other things more fully is contained; by virtue whereof the said John, Lord Stourton, entered into the said virgate of land, whereunto belongs the said bailiwick, and was seised thereof in his desmesne as of fee tail, to wit to himself and the heirs of his body lawfully begotten. And he, being thus seised, had issue of his body lawfully begotten, William Stourton, and afterwards died seised of this status therein, after whose death the aforesaid virgate of land and bailiwick descended to the said William Stourton, Lord of Stourton, as son and heir of the body of the aforesaid John, Lord Stourton, lawfully begotten; by virtue whereof the said William, Lord Stourton, entered into the virgate of land aforesaid, whereunto the said bailiwick pertains, and was



seised thereof in his demesne as of fee tail, to wit, to himself and the heirs of his body lawfully begotten. And he, being so seised, had issue of his body lawfully begotten, John, William, and Edward Stourton. And afterwards, the said William, Lord Stourton, died seised of this status therein, after whose death the aforesaid virgate of land and bailiwick descended to the said John, Lord Stourton, as son and heir of the aforesaid William, Lord Stourton, by virtue whereof the said John, Lord Stourton, entered into the said virgate of land, whereunto the said bailiwick belongs, and was seised thereof in his demesne as of fee tail, to wit, to himself and the heirs of his body lawfully begotten. And he being thus seised thereof, died seised of this status therein without heir male of his body lawfully begotten, after whose death the aforesaid virgate of land and bailiwick descended to William, Lord Stourton, as brother and heir of the aforesaid John, Lord Stourton, by virtue whereof the said William, Lord Stourton, entered into the said virgate of land, whereunto the said bailiwick belongs, and was seised thereof in his demesne as of fee tail, to wit to himself and the heirs of his body lawfully begotten. And he, being thus seised thereof, died seised of this status therein without heir of his body lawfully begotten, after whose death the said virgate of land and bailiwick descended to Edward, Lord Stourton, as brother and heir of the aforesaid William, Lord Stourton ; by virtue whereof the said Edward Stourton entered into the said virgate of land, whereunto the said bailiwick belongs, and was seised thereof in his demesne as of fee tail, to wit, to himself and the heirs of his body lawfully begotten. And being thus seised thereof he had issue of his body lawfully begotten, William, Lord Stourton. And afterwards the said Edward, Lord Stourton, died seised of this status therein, after whose death the said virgate of land and bailiwick descended to the aforesaid William, Lord Stourton, as son and heir of the said Edward, Lord Stourton ; by virtue whereof the said William, Lord Stourton, entered into the said virgate of land, whereunto the said bailiwick belongs, and was seised thereof in his demesne as of fee tail, to wit, to himself and the heirs of his body lawfully begotten. And he, being thus seised thereof, had issue of his body lawfully begotten, Charles, Lord Stourton. And afterwards the said William died seised of this status therein, after whose death the aforesaid virgate of land and bailiwick descended to the said Charles, Lord Stourton, as son and heir of the body of the said William, Lord Stourton, by virtue whereof the said Charles, Lord Stourton, entered into the said virgate of land, whereunto the said bailiwick belongs, and was seised thereof in his demesne as of fee tail, to wit, to himself and the heirs of his body lawfully begotten. And he, being thus seised, had issue of his body lawfully begotten, John, now Lord Stourton of Stourton aforesaid. And the said Charles, being thus seised thereof, on the said twelfth day of January in the aforesaid commission specified, committed and perpetrated murder and felony,

and for the same murder and felony was attainted and convicted on the 26th day of February, in the third and fourth years, as by the record thereof more fully appears, and was put to death ; after whose death the aforesaid virgate of land and bailiwick descended to the aforesaid present John, Lord Stourton, as son and heir of the body of the said Charles, Lord Stourton, by reason of whose attainder the reversion in fee simple of the aforesaid virgate of land and of the said bailiwick, came into the hands of our Lady the Queen, her heirs and successors, as her escheat. And the aforesaid Jury further say that a long time before the said Charles was attainted and convicted of murder and felony, Sir William Stourton, Knight, Lord of Stourton, amongst other things, was seised in his demesne as of fee of the manors of Owermoynes, Caundell Haddon, Stourmyster, Eschelborough, Houghton Huyde [&] Fyfelde Nevell, with their appurtenances, together with two hundred and seven messuages, two thousand acres of land, forty acres of meadow, three hundred and six acres of pasture, one hundred and forty acres of wood, and ten pounds' rent, with their appurtenances in Owermoynes, Stourmyster, Eschelborough, Congesdiche, Shaysheburys, Galton, Sherburne and Anteoys in the county aforesaid, and the said William being thus seised, Richard, Bishop of Winchester, Giles Dawbney, Knight, Lord de Dawbney, and Chamberlain of the Lord Henry VII., late King of England, Sir Charles Somerset, Knight, Lord Herbert and Earl of Worcester, Sir Thomas Lovell, Sir Richard Empson and Sir James Hubbert, Knights, Thomas Dudley and Thomas Lucas, Esquires, by the names of Richard, Bishop of Winchester, Sir Giles Dawbney, Knight, Lord Dawbney, Sir Charles Somerset, Knight, Lord Herbert, Sir Thomas Lovell, Sir Richard Empson, Sir James Hubbert, Knights, Edward Dudley and Thomas Lucas, Esquires, in Michaelmas term in the twenty-first year of the reign of the said Lord Henry, late King of England, by a Writ of the said late Lord, King Henry VII., of entry on disseisin in *le post* in the said Manors of Owermoynes, Caundell Haddon, Stourmyster, Houghton, Eschelborough, Huyde Fyfelde Nevell, Konkesdiche, Shaseburys, Galton, Suddon, Sherburne and Anteoys, and the said messuages, lands and tenements, and the other premises with their appurtenances in Owermoynes, Caundell Haddon, Houghton, Eschelborough, Huyde, Fyfelde Nevell, Konkesdyche, Shaftysburys, Galton, Suddon, Sherburne and Anteoys (the said William Stourton then holding the free tenure of the manors and other premises), recovered the aforesaid manors and other premises against the said William Stourton, as by a record thereof produced in evidence to the Jury on the taking of this inquisition more fully and plainly appears ; by virtue of which recovery the said Bishop, Giles, Charles, Thomas Lovell, Richard, James, Edmund, and Thomas Lucas entered into the aforesaid manors of Owermoynes, Caundell Haddon, Houghton, Eschelborough, Huyde, Fyfelde Nevell, Konkesdiche, Shaftesburys, Galton, Suddon, Sherburne and Anteoys, with



their appurtenances, and were seised thereof in their demesne as of fee. And the aforesaid Jury say that the said recovery of the said manors and other premises with their appurtenances was made to the use of the said Sir William Stourton, Knight, and his heirs. And the said Jury also say that the said recoverers being thus seised of the aforesaid manors and other premises, it was covenanted, granted and agreed, between the said William Stourton, Knight, Lord of Stourton, of the one part, and the said Edmund Dudley, of the other part, by certain indentures dated the twelfth day of November in the twenty-fourth year of the reign of King Henry VII. (produced in evidence to the Jury on the taking of this inquisition) in manner and form as in the said indentures is specified and declared, the tenor of which said indentures is in the following words : [*Here is recited the Indenture in English, which see in its place in the Latin original*] . . . as by the aforesaid indenture more fully and plainly appears. And further the aforesaid Jury say, upon their oath, that after the making, signing and delivery of the said indenture, the said Peter in the said indenture named died without issue at Stourton in the county aforesaid, before the marriage was solemnized between him, the said Peter, and the daughter of the aforesaid Edmund ; after whose death William Stourton, second son of the said Edward, in accordance with the tenor of the said indenture, married one Elizabeth Dudley, daughter of the said Edmund, by reason of which marriage and by virtue of the said Indenture the said recoverers were seised of a moiety of the manors of Ower-moyne, Caundell Haddon, Houghton, Eschelborowe, Huyde, Fyfeld Newell, Konkysdiche, Shaftysburie, Galton, Suddon, Sherborne and Antcox aforesaid, and of a moiety of all the lands, tenements and other premises in Ower-moyne ; Caundell, Haddon, Houghton, Eschelborowe, Huyde, Fyfeld Nevell, Konkysdiche, Shaftysburie, Galton, Suddon, Sherborne and Antcox aforesaid, to the use of the aforesaid William, Lord Stourton, for the term of his life, and after his decease to the use of the aforesaid William Stourton, second son of the said Edward, and Elizabeth, and the heirs of their bodies lawfully begotten, and in default of such issue to the use of the right heirs of the said William, Lord Stourton. And the said recoverers were seised of the other moiety of the aforesaid manors, lands and tenements of Ower-moyne, Caundell Haddon, Houghton, Eschelborowe, Huyde, Fyfelde Nevell, Konkysdiche, Shaftysburie, Galton, Suddon, Sherborne and Antcox aforesaid to the use of the said William, Lord Stourton for the term of his life, and after his decease to the use of the said Edward and the heirs of his body lawfully begotten, and in default of such issue to the use of the right heirs of the said William, Lord Stourton, for ever. And the aforesaid recoverers being thus seised of the aforesaid manors of Ower-moyne, Caundell Haddon, Houghton, Eschelborowe, Huyde, Fyfelde Nevell, Konkysdiche, Shaftysburie, Galton, Suddon, Sherborne and Antcox aforesaid, together with

all the lands and tenements in Owermoynes, Caundell Haddon, Houghton, Eschelborowe, Huyde, Fyfeld Nevell, Konkysdyche, Shaftysburye, Galton, Suddon, Sherborne and Antcox aforesaid, the said William, Lord Stourton, on the seventeenth day of February, in the sixteenth year of Henry the Eighth, died at Stourton, after the death of which William the aforesaid recoverers were seised of a moiety of all the aforesaid manors above recited and of all the lands and tenements in Owermoynes, Caundell Haddon, Houghton, Eschelborowe, Huyde, Fyfeld Nevell, Konkysdyche, Shaftysburye, Galton, Suddon, Sherborne and Antcox aforesaid to the aforesaid several . . . in the said indenture specified, until the fourth day of February in the twenty-seventh year of Henry VIII., on which day the aforesaid Edward was seised of a moiety of all the manors above recited, and of all the other premises with their appurtenances in Owermoynes, Caundell Haddon, Houghton, Eschelborowe, Huyde, Fyfeld Nevell, Konkysdyche, Shaftysburye, Galton, Suddon, Sherborne and Antcox aforesaid in his demesne as of fee tail, to wit, to himself and the heirs of his body lawfully begotten. And being seised of this status therein, died so seised, after the death of which Edward a moiety of all the said manors above recited and also of all the lands and tenements in Owermoynes, Caundell Haddon, Houghton, Eschelborowe, Huyde, Fyfeld Nevell, Konkysdyche, Shaftysburye, Galton, Suddon, Sherborne and Antcox, with their appurtenances, descended to the aforesaid William, Lord Stourton, as son and heir of the body of the said Edward, Lord Stourton, lawfully begotten, by virtue whereof the said William, Lord Stourton, was seised thereof in his demesne as of fee tail, to wit, to himself and the heirs of his body lawfully begotten, and in default of such issue to remain to the right heirs of the aforesaid William, Lord Stourton, for ever. And, as regards the other moiety of all the aforesaid Manors, lands and tenements above recited, the said William, Lord Stourton, and Elizabeth, his wife, were seised thereof in their demesne as of fee tail, to wit, to themselves and the heirs of their bodies lawfully begotten, and in default of such heirs to remain to the right heirs of the aforesaid William, Lord Stourton, for ever. And being thus seised they had issue lawfully begotten, the aforesaid Charles Stourton. And the aforesaid William, seised of this status therein, died thus seised, and the said Elizabeth survived him, and held the same by right of accretion, and is seised of the moiety aforesaid in fee tail, to wit, to herself and the heirs of the body of the said William and Elizabeth lawfully begotten, and is still alive, and dwelling at Caundell Haddon aforesaid. And the aforesaid Charles had issue John, now Lord Stourton. And afterwards the said Charles, on the aforesaid twelfth day of January in the commission specified, committed and perpetrated murder and felony; and for the same murder and felony was attainted and convicted on the twenty-sixth day of February in the abovesaid third and fourth years, as by the record thereof

more fully appears; and was afterwards put to death, by reason of whose attainder the reversion in fee simple of the manors and other premises above-recited came into the hands of the Lady Queen, her heirs and successors, as her escheat.

And moreover the aforesaid Jury say that a long time before the said twelfth day of January, and before the said Charles was attainted and convicted of the murder aforesaid, he, the said Charles, Lord Stourton, was seised of the manors of Caundell Haddon, otherwise Stourton's Caundell, Lydlynche, Huyde, Weston, Buchorne, Fyfeld Nevell and Houghton, together with the advowsons thereof, and all messuages, lands, tenements, meadow, grazing-land and pasture, wood, underwood, rents, reversions, services, and all other their hereditaments whatsoever, with all and singular their appurtenances in Caundell Haddon, otherwise Stourton's Caundell, Anteox and Mershe, Lydlynche, Huyde, Ramesburye, Blackrewe, Haydon and Holbroke, Weston, Buchorne, Fyfeld Nevell and Houghton in the county aforesaid, to wit, of the manors aforesaid with their appurtenances and the other premises in Anteox, Mershe, Ramesburye, Blackrewe, Haydon, Holbroke, Weston, Buchorne, Fyfeld Nevell and Houghton aforesaid, in his demesne as of fee, and of the advowsons aforesaid as of fee and in right. And the said Sir Charles Stourton, Knight, Lord Stourton, being thus seised, by a certain deed indentate, produced in evidence to the said Jury on the taking of this inquisition, the date whereof is the third day of December, in the fourth year of the reign of Lord Edward VI., late King of England, in fulfilment of certain conventions and agreements specified and set forth in certain indentures made between the Most Noble Earl of Derby, Lord Stanley and Strange, and Lord of Man and the Isles, and Knight of the Most Noble order of the Garter, of the one part, and the aforesaid Charles, Lord Stourton, of the other part, dated the eighth day of February in the third year of the reign of the said late King Edward VI., gave, granted, and by this same deed confirmed, to Henry, Earl of Sussex, Francis, Earl of Huntington, Henry, Lord Strange, Edward, Lord Clynton, Lord Admiral of England, William, Lord Wyndesore, Thomas, Lord Wharton, Sir Thomas Wharton, Sir Edward Hastings, Sir Thomas Arundell, Sir John Rogers, Knights, and William Hanney, gentleman, the aforesaid manors of Caundell Haddon, otherwise Stourton's Caundell, Lydlynche, Huyde, Weston, Buchorne, Fyfeld Nevell and Houghton, together with the advowsons thereof, and all messuages, lands and tenements, meadow, grazing-ground and pasture, wood, underwood, rents, reversions and services, and all other his hereditaments whatsoever, with all and singular their appurtenances in Caundell Haddon, otherwise Stourton's Caundell, Anteox, Mershe, Lydlynche, Huyde Ramesburye, Blackrewe, Haydon and Holbroke, Weston, Buchorne, Fyfeld Nevell and Houghton in Co. Dorset, to have and to hold all the aforesaid Manors of Caundell Haddon, otherwise Stourton's Caundell, Anteox, Lydlynche, Huyde, Weston,

Buchorne, Fyfeld Nevell and Houghton, and the other premises with their appurtenances in Caundell Haddon, otherwise Stourton's Caundell, Anteox, Mershe, Lydlynche, Huyde, Ramesburye, Blackrewe, Haydon and Holbroke, Weston, Buchorne, Fyfeld Nevell, and Houghton, together with the advowsons thereof in the said county of Dorset to the aforesaid Henry, Earl of Sussex, Francis, Earl of Huntington, Henry, Lord Strange, Edward, Lord Clynton, William, Lord Wyndesore, Thomas, Lord Wharton, Sir Thomas Wharton, Knight, Sir Edward Hastynges, Knight, Sir Thomas Arundell, Knight, Sir John Rogers, Knight, and William Hanney, gentleman, to their heirs and assigns to the use and behoof of the aforesaid Charles, Lord Stourton, and the Lady Anne, his wife, for the term of their lives and of the longer liver of them, and after their decease to the use and behoof of the heirs of the body of the aforesaid Charles lawfully begotten or to be begotten, and in default of such issue to the use and behoof of the right heirs of the said Charles, to hold from the lords in chief of those fees for the rents and services thereon formerly due and of right accustomed, as in the said deed is more fully contained; by force and virtue of which deed and by virtue of a certain Statute of uses passed on the fourth day of February in the twenty-seventh year of the reign of the Lord Henry VIII., late King of England, the aforesaid Charles, Lord Stourton, and the Lady Anne, his wife, were seised of the aforesaid Manors of Caundell Haddon, otherwise Stourton's Caundell, Anteox, Mershe, Lydlynche, Huyde, Ramsburye, Blackrewe, Haydon and Holbroke, Weston, Buchorne, Fyfeld Nevell and Howghton, together with the advowsons thereof, and all and singular the messuages, lands and tenements, meadow, grazing-ground and pasture, woods, underwoods, rents, reversions and services, and all other their hereditaments whatsoever, with all and singular their appurtenances, in Caundell Haddon, otherwise Stourton's Caundell, Anteox, Mershe, Lydlynche, Huyde, Ramesburye, Blackrewe, Haydon and Holbroke, Weston, Buchorne, Fyfeld Nevill and Howghton in the aforesaid county of Dorset, in their demesne as of free tenement, to wit, for the term of their lives and the longer liver of them, with remainder thereof immediately after their decease to the heirs of the body of the aforesaid Charles then begotten or to be begotten, and with remainder thereof in default of such issue to the right heirs of the said Charles for ever. And they being thus seised thereof, the aforesaid Charles had issue of his body lawfully begotten, to wit, John Stourton, now Lord Stourton. And afterwards the aforesaid Charles, on the said twelfth day of January in the said commission specified, committed and perpetrated murder and felony, and for the same murder and felony on the twenty-sixth day of February in the above said third and fourth years, was attainted and convicted, as by the record thereof more fully appears; and for the same was put to death. And the aforesaid Lady Anne survived him and held the manors aforesaid

and the other premises with their appurtenances by right of accretion, and is seised thereof in her demesne as of free tenement, with remainder thereof to the aforesaid John Stourton, now Lord Stourton, as son and heir of the body of the aforesaid Charles lawfully begotten, with remainder thereof, in default of such issue, to the right heirs of the aforesaid Charles. And the said Lady Anne, at the time of the taking of this inquisition, is living at Caundell Haddon aforesaid. The reversion in fee simple of the manors and other premises above recited, by reason of the attainder of the said Charles, late Lord Stourton, fell into the hands of our Lady the Queen her heirs and successors, as her escheat.

And the aforesaid Jury further say that a long time before the aforesaid Charles, Lord Stourton, was attained and convicted for felony and murder, the aforesaid William, Lord Stourton, was seised in his demesne as of fee of and in the manors of Henton Marye and Caundell Purs, and of certain lands and tenements in Tollerd, with all their members and appurtenances in the county aforesaid. And he, being thereof thus seized by his deed (produced in evidence to the said Jury on the taking of this inquisition) dated the twentieth day of March in the thirty-seventh year of the reign of the aforesaid Lord Henry VIII., late King of England, gave, granted, and by his said charter confirmed to his well-beloved son, Giles Stourton, gentleman, a certain annuity or annual rent of twenty pounds of legal money of England, issuing yearly out of the aforesaid manor of Henton Marye with all its members and appurtenances in the said county of Dorset, and from all the messuages, lands, tenements, meadow, grazing-ground, pasture and other its hereditaments and profits whatsoever, with their appurtenances in Henton Marye aforesaid or elsewhere soever in the aforesaid county of Dorset to the aforesaid manor in anywise belonging or appertaining, to have, hold, receive, levy and enjoy the aforesaid annuity or annual rent of twenty pounds to the aforesaid Giles Stourton, his son, and his assigns during the natural life of him, the said Giles Stourton, to be paid yearly at the four terms of the year, to wit, at the Feasts of St. John the Baptist, St. Michael the Archangel, the Nativity of our Lord, and the Annunciation of the Blessed Virgin Mary, in equal portions. And if the said annuity or annual rent of twenty pounds should thereafter chance to be in arrears, either entirely or in part, for the space of two months after any one of the Feasts aforesaid, on which, as set forth above, payment ought to be made, that then and so often, for each such default of payment of the aforesaid annuity or annual rent of twenty pounds, or of any parcel thereof, the aforesaid Sir William Stourton, Knight, Lord Stourton, for himself and his heirs, gave and by this his charter granted to the aforesaid Giles, his son, ten shillings sterling in the name of penalty, with a certain clause for distraint for the non-payment thereof in the said deed specified, as therein amongst other things is more at large contained.



And further the said Jury say that the aforesaid William, Lord Stourton, thus seised thereof, by another deed (produced in evidence to the said Jury at the taking of this inquisition) dated the twentieth day of March in the thirty-seventh year of the reign of the late Lord King Henry VIII., gave, granted, and by the same deed confirmed, to his well-beloved son George Stourton, gentleman, a certain annuity or annual rent of twenty pounds of legal money of England, issuing yearly out of the aforesaid manor of Henton Marye with its members and appurtenances in the county of Dorset aforesaid, and from and in all messuages, lands, tenements, meadow, grazing-ground, pasture, and other its hereditaments and profits whatsoever, with their appurtenances in Henton Mary aforesaid or elsewhere in the said county of Dorset to the said manor in anywise belonging or appertaining, to have, hold, receive, levy and enjoy the aforesaid annuity or annual rent of twenty pounds to the aforesaid George Stourton, his son, and his assigns, during the natural life of him, the said George Stourton, to be paid yearly at the four terms of the years, to wit the Feasts of St. John the Baptist, St. Michael the Archangel, the Nativity of our Lord, and the Annunciation of the Blessed Virgin Mary, in equal portions. And if the said annuity or annual rent of twenty pounds should thereafter chance to be in arrears, either entirely or in part, for the space of two months after any one of the Feasts aforesaid, on which, as set forth above, payment ought to be made, that then and so often, for each such default of payment of the aforesaid annuity or annual rent of twenty pounds, or of any parcel thereof, the aforesaid William Stourton, Knight, Lord Stourton, for himself and his heirs, gave and by this his charter granted to the aforesaid George, his son, ten shillings sterling in the name of penalty, with a certain clause for distraint for the non-payment thereof in the said deed specified, as therein amongst other things more fully and plainly appears.

And further the aforesaid Jury say that a long while before the said twelfth day of January, and before the attainder of the said Charles, the aforesaid Sir Charles Stourton, Knight, Lord Stourton, was seised in his demesne as of fee of and in the manor of Henton Marye aforesaid in the said county of Dorset, with its appurtenances; and, being thus seised thereof by his deed (produced in evidence to the Jury at the taking of this inquisition) dated the eighth day of October in the first year of the reign of the Lady Mary now Queen, gave and granted, and by his said deed confirmed to Andrew Stourton his brother, and Katherine Parr, his wife, an annuity or annual rent of twenty pounds arising from and in his manor of Henton Marye aforesaid in the said county of Dorset, with its appurtenances, to have, hold, occupy, receive and obtain the said annuity or annual rent of twenty pounds to the aforesaid Andrew and Katherine, for the term of the lives of the said Andrew and Katherine, and the longer liver of them, to be paid in equal portions at the two feasts of the year, to wit, the feasts

of the Annunciation of the Blessed Virgin Mary and of St. Michael the Archangel, with a distraint-clause in case of non payment of the same, in the said deed specified, as therein more fully and at large appears. And afterwards the aforesaid Charles, on the said twelfth day of January in the said commission specified, committed and perpetrated murder and felony, and was attainted and convicted for the said murder and felony on the twenty-seventh day of February in the third and fourth years abovesaid, as by the record thereof more fully appears ; and afterwards was delivered over and put to death.

And further the said Jury say that the said Sir William Stourton, Knight, Lord Stourton, by a certain deed dated the twentieth day of March in the thirty-seventh year of the reign of the said late King Henry VIII. (produced in evidence to the Jury at the taking of this inquisition) gave and granted, and by his said deed confirmed, to his well-beloved son Andrew Stourton, gentleman, a certain annuity or annual rent of twenty pounds of legal money of England, arising annually out of the aforesaid manor of Caundell Purs with all its members and appurtenances in the said county of Dorset, and of and in all messuages, lands, tenements, meadow, grazing-ground, pasture, and other its hereditaments and profits whatsoever with their appurtenances in Caundell Purs aforesaid or elsewhere soever in the said county of Dorset, to the said manor in anywise belonging or appertaining, to have, hold, receive, levy and enjoy the aforesaid annuity or annual rent of twenty pounds to the aforesaid Andrew Stourton, his son and his assigns, during the natural life of him, the said Andrew Stourton to be paid yearly at the four terms of the year, to wit, at the feasts of St. John the Baptist, St. Michael the Archangel, the Nativity of our Lord, and the Annunciation of the Blessed Virgin Mary, in equal portions. And if the said annuity or annual rent of twenty pounds should thereafter chance to be in arrear, either entirely or in part, for the space of two months after any one of the Feasts aforesaid, on which, as set forth above, payment ought to be made, that then and so often, for each such default of payment of the aforesaid annuity or annual rent of twenty pounds, or of any parcel thereof, the aforesaid Sir William Stourton, Knight, Lord Stourton, for himself and his heirs, gave, and by this his charter, granted to the aforesaid Andrew, his son, ten shillings sterling in the name of penalty, with a certain clause for distraint for the non-payment thereof in the said deed specified, as therein amongst other things is more at large contained. And the aforesaid William, Lord Stourton, being seised in form aforesaid of the said manors of Henton Marye and Caundell Purs, with all their appurtenances, and of the aforesaid parcels of land and tenements in Tollerd aforesaid in the said county, being seised of this status therein, died, after whose death the said manors descended to the aforesaid Charles, Lord Stourton, as son and heir of the aforesaid William, by virtue whereof the said Charles entered into and was seised



of the said manors of Henton Marye and Caundell Purs, and the other premises in Tollerd aforesaid, in his demesne as of fee. And afterwards the said Charles, on the said twelfth day of January in the aforesaid commission specified, committed and perpetrated murder and felony, and for the same murder and felony was attainted and convicted on the twenty-sixth day of February in the third and fourth years above-said, as by the record thereof more at large appears. And afterwards was put to death.

And further the aforesaid Jury say that a long time before the said Charles, Lord Stourton, was attainted and convicted, he, the said Charles, Lord Stourton, was seised in his demesne as of fee of and in the manors of Henton Margett and Nyland, otherwise Ilond, and of all and singular their messuages, lands and tenements whatsoever, with their appurtenances, in Henton Margett, Mershe and Nylande, in the said county of Dorset. And he being thus seised thereof, by certain indentures bearing date the twenty-fifth day of June in the first year of the reign of the Lady Mary, now Queen, drawn up between the aforesaid Charles Stourton, Knight, Lord Stourton, of the one part, and Sir John Souche of Anstie in the county of Wilts, Knight, of the other part, for certain considerations in the said indentures set forth, the aforesaid John Souche gave, granted and surrendered to the said Charles, Lord Stourton, to the use of the said Charles, all his right, title, possession, interest and claim, which he, the said John Souche, then had in and to the office of the Stewardship and Bailiwick of Mere in the county of Wilts, and in and to the herbage and pannage of the park of Mere, and the custody of the said park, with all fees, commodities and advantages which the said John Souche then had in and to the same or then might have by virtue of letters patent of Lord Henry VIII., late King of England, bearing date the tenth day of January in the thirtieth year of the said King, made out to him thereof; in consideration whereof the aforesaid Charles, Lord Stourton, for himself, his heirs, executors and administrators, and each of them, agreed, granted and promised by the said indentures with the aforesaid Sir John Souche, Knight, his heirs and executors, that he, the said Lord Stourton, within one month after the date of the said indentures would make or cause to be made to the said Sir John Souche, Knight, a certain sure, perfect and sufficient grant of a certain annuity or annual rent of forty-three pounds, to be paid yearly to the aforesaid John Souche and his assigns at the Feasts of the Annunciation of the Blessed Virgin Mary, and St. Michael the Archangel, in equal portions, issuing and arising out of all those manors, lands and tenements, called Henton Marye, Margett, Mershe and Nyland, otherwise Ilond, in the said county of Dorset, and out of every parcel thereof, to be paid yearly at the feasts aforesaid, with a distraint-clause to be contained in the said deed to distrain in all and singular the premises for non-payment of the said annuity or

annual rent of forty-three pounds and of any parcel thereof, as in the said indentures amongst other things is more at large contained. And afterwards the aforesaid Sir Charles Stourton, Knight, Lord Stourton, by a certain deed (produced in evidence to the Jury aforesaid at the taking of this inquisition) dated the twenty-fifth day of June in the first year of the reign of our said present Lady Queen Mary (in accordance with the form and tenor of the said agreement in the said indentures between the aforesaid Charles and the aforesaid John Souche made), gave, granted, and by his said deed confirmed to the said Sir John Souche, Knight, and his assigns the aforesaid annuity or annual rent of forty-three pounds of legal money of England, issuing from his manors of Henton Marye, Margett, Mershe and Nyland, otherwise Ilonde, in the county of Dorset, and from all and singular his manors, lands and tenements whatsoever in Henton Margett, Mershe and Nyland, otherwise Ilond, in the said county of Dorset, and from every parcel thereof, to have, levy and receive, the aforesaid annuity or annual rent of forty-three pounds of legal money of England, issuing from all and singular the manors, lands and tenements aforesaid with their appurtenances, and from every parcel thereof, to the said Sir John Souche, Knight, and his assigns, for the term of the life, and during the whole of the natural life, of the said John Souche, to be paid yearly in equal portions at the Feasts of the Annunciation of the Blessed Virgin Mary, and St. Michael the Archangel, during the said term, with a distraint-clause for non-payment of the said annuity or annual rent in the said deed set forth, as therein, amongst other things more at large is contained. And the aforesaid Jury also say that the said virgate of land with its appurtenances in Gyllyngham, whereunto belongs the said bailiwick to keep the forest and park of Gyllyngham, is held of the said Lord King and Lady Queen by the service of keeping the park and forest of Gyllyngham aforesaid, taking for the custody aforesaid the fees anciently accustomed; and its yearly value, in all its issues, besides expenses, is forty shillings. And the aforesaid Jury say that the said manors of Owermoine, Suddon and Galton, and the other premises in Owermoine, Suddon and Galton, are held of the said present Lord King and Lady Queen in chief by military service, and are worth per annum, besides expenses, £17 : 8<sup>s</sup>. And that the aforesaid manor of Caundell Haddon, and all the lands and tenements in Caundell Haddon aforesaid, with their appurtenances, are held of Henry, Earl of Arundell, but by what service the said Jury do not know, and are worth per annum in all their issues, besides expenses, £60 : 10<sup>s</sup>. And that the said manors of Stourmyster Marshall and Konkysdiche, with their appurtenances, are held of the said Lord King and Lady Queen as of their manor of Cramborne, for the fourth part of a Knight's fee, and are worth per annum in all their issues, besides expenses, £6 : 17<sup>s</sup> : 8<sup>d</sup>. And that the manor of Houghton, with its appurtenances, is held of the said Lord King and Lady Queen, as of their

manor of Pymperne : but by what service the said Jury do not know ; and is worth per annum in all its issues, besides expenses, £11 : 7<sup>s</sup> : 3½<sup>d</sup>. And that the manor of Eschelborough, and all the lands and tenements in Eschelborough aforesaid, with their appurtenances, are held of the Lord King and Lady Queen for the fourth part of a Knight's fee ; and are worth per annum in all their issues, besides expenses, £18. And that all the lands and tenements in Huyde aforesaid, with their appurtenances, are held of the present Lord King and Lady Queen, as of the late monastery of Abotysburye, but by what service the aforesaid Jury do not know at all ; and are worth per annum in all their issues, besides expenses, £4. And that the said manor of Fyfeld Nevell aforesaid, and all the lands and tenements in Fyfeld Nevell aforesaid, are held of the Lord King and Lady Queen, as of their manor of Pymperne aforesaid, by the twentieth part of one Knight's fee, and is worth per annum, besides expenses, 100<sup>s</sup>. And that all the lands and tenements in Shaftysburye, with their appurtenances, are held of the Bishop of Salisbury ; but by what services the said Jury do not know ; and are worth per annum in all their issues, besides expenses, £4 : 17<sup>s</sup>. And that all the lands and tenements abovesaid in Sherburne, with their appurtenances, are held of the Bishop of Salisbury, but by what services the said Jury do not know at all ; and are worth per annum in all their issues, besides expenses, £6. And that all the lands and tenements in Anteox aforesaid, with their appurtenances, are held of the Bishop of Salisbury ; but by what services the said Jury do not know at all ; and are worth per annum in all their issues, besides expenses, £3. And that the aforesaid Manors of Henton Marye, Margaret, Mershe and Nylond, with their appurtenances, are held of the said Lord King and Lady Queen in chief for the twentieth part of a Knight's fee, and are worth in all their issues, besides expenses, £45. And that the said lands and tenements in Tollard, with their appurtenances, are held of the said Lord King and Lady Queen in chief, for the twentieth part of a Knight's fee ; and are worth per annum in all their issues, besides expenses, 4<sup>s</sup>. And that the said manor of Caundell Purse, with all its appurtenances, is held of the said Lord King and Lady Queen in chief, for the twentieth part of a Knight's fee ; and is worth per annum in all its issues, besides expenses, £16 : 13<sup>s</sup>.

And further the aforesaid Jury say that the said Charles, on the said twelfth day of January in the said commission specified, the day of the perpetration of the said murder and felony, and on the said twenty-sixth day of February, the day of his attainder and conviction, or at any time afterwards, neither had nor held any other lordships, manors, lands or tenements in the said county, in demesne, reversion or service ; nor did any other person or persons have or hold any other lands or tenements to the use of the aforesaid Charles, And that the aforesaid Charles, late Lord

Stourton, died at Salisbury in the county of Wilts, on the sixth day of March last past. And that the said John, Lord Stourton, is his son and next heir, which said John on the same sixth of March was four years and two months old. And moreover the said Jury say that the aforesaid Charles, on the day he died, had other issue, Mary, aged seven years, Anne, aged six years, Katherine, aged three years, Edward, aged two years, and Charles, aged one year. In witness whereof both the said Commissioners and the said Jurors have alternately affixed their seals to this inquisition indentate. Done at Sherburne on the said day in the years abovesaid.

## EDWARD, TENTH LORD STOURTON.

The following is a copy of the Grant of Livery and License to enter his lands to Edward, 10th Lord Stourton, under the Great Seal, of which a reproduction will be found in the pages devoted to his life.

“ Elizabeth' dei gr'a Anglie Francie & Hib'nie Regina fidei defensor &c. Omnis ad quos p'sentes l're p'uen'int salt'm. Sciatis q'd nos de gr'a n'ra sp'iali ac ex c'ta sciencia & mero motu n'ris concessim' & licenciam dedim' ac p' p'sentes concedim' & licenciam dam' p' nob' hered' & successoribz n'ris quant' in nob' est p'dil'to & fidei Subdito n'ro Edwardo d'no Stourton f'ri & p'x' heredi Joh'is nup' d'ni Stourton defuncti Qui quidem Joh'es nup' d'n's Stourton de nob' tenuit in Capite die quo obiit p' s'uiciu' militare quocunq' no'i'e cognō'i'e sive addic'o'e no'is idem Edwardus d'n's Stourton no'i'at' sive nuncupat' Q'd idem Edwardus d'n's Stourton incontinent' absq' aliqua alia p'bac'o'e etatis sue & absq' aliqua alia lib'ac'o'e seu p'secuc'o'e hereditatis sue vel alicuius inde parcellē ex'a manus n'ras heredum vel successor' n'ror' s'c'd'm cursum Cancellar' n're vel s'c'd'm legem & cursum Cur' n're Wardor' & lib'acionu' vel legem t're n're Angl' seu aliquo alio modo p'sequend' in om'ia & singula honor' Castr' d'nia man'ia mesuag' terr' ten' reu'siones feod' Firmas villas villatas hamlett' annuitates reddit' s'uicia hundra' Officia p'ata pasc' pastur' moras marisc' bruer' tolnet' Customar' vis' franc' pleg' Cur' Escaet' Ballinat' lib'tates franchises' Warrenn' viuaria stagna molendina feoda mil' advocac'o'es & p'ronat' Eccl'iar' vicariar' Capellar' & no'iac'o'es ad easdem Ac in om'ia & singula alia possessiones reuenco'es & hereditamen' quecumqz cum eor' iuribz membris & p'tin' vniu'sis infra Regnu' n'r'm Angl' Wallie aut marchias eor'dem que fuerunt p'd'c'i Joh'is nup' d'ni Stourton Et de quibz idem Joh'es nup' d'n's Stourton aut aliquis vel aliqui Antecessor' p'd'c'i Edwardi d'ni Stourton cuius heres ip'e est fuit aut fuerunt possessionati vel sei'ti in d'nico suo ut de feodo aut in feodo qual'it'cumq' talliato in d'nico vel alit' diebz quibz sep'atim obierunt aut die quo eor' aliquis obiit vel de quibz aliqua p'sona sei'ta fuit aut alique p'sone sei'te fuerunt coniunctim vel sep'atim ad vsum p'd'c'i Joh'is nup' d'ni Stourton seu aliquor' Antecessor' p'd'c'i Edwardi d'ni Stourton cuius vel quor' heres ip'e est in d'nico suo vt de feodo aut in feodo qual'it'cumq' talliato in d'nico vel alit' ad vsum d'c'i Joh'is nup' d'ni

Stourton aut aliquor' heredum suor' vel ad vsum aliquor' taliu' Antecessor' aut talis Antecessoris & heredum taliu' Antecessor' aut talis Antecessoris diebz quibz sep'atim obierunt aut die quo eor' aliquis obiit Et que p' sive post mortem ip'ius nup' d'ni Stourton aut alicuius Antecessoris aut aliquor' Antecessor' p'd'c'i Edwardi d'ni Stourton cuius heres ip'e est aut aliquo alio modo ad manus n'ras deueniunt seu deuenire debuerunt aut deberent aut in manibz n'ris iam existunt aut exit'e debent vel deberent que p'fato Edwardo d'no Stourton in possessione reu'sione vel in vsu descendere reu'tere remanere p'tinere seu spectare debent vel deberent licite & impune ingredi int'are & sei're possit; Ac ea om'ia & singula p'fato Edwardo d'no Stourton & hered' suis p'ut ip'e in eisdem post mortem p'd'c'i Joh'is nup' d'ni Stourton aut aliquor' Antecessor' p'd'c'i Edwardi d'ni Stourton cuius vel quor' heres ip'e est hereditabilis existit in possessione reu'sione aut in vsu sei're h'ere tenere possidere & gaudere possit & valeat erga nos hered' & success' n'ros absqz aliqua alia lib'ac'o'e seu p'secuc'o'e eor'dem seu alicuius inde parcelle ex'a manus n'ras s'c'd'm cursum Cancellar' n're p'd'c'e aut legem t're n're seu aliquo alio modo p' p'd'c'as p'sonas seu p'ear' aliquam p'sequend' vel impetrand' Nolentes q'd p'fat' Edwardus d'n's Stourton nec hered' sui nec p'd'c'e quecumqz p'sone sive quacumqz p'sona de aliquibz honor' Castr' d'niis man'is terr' ten' & cet'is p'missis ad vsum vt p'mittit seisit' vel seisit' existen' vel existen' r'one ingr'us sive occupac'o'is & retenc'o'is p'dict' p' ip'os seu p' eor' aliquem fact' aut h'it' fiend' & h'end' p'nos hered' successores Justic' Escaetores vicecomites Receptores Ballivos seu ministros n'ros heredum vel successor' n'ror' quoscumqz molestent' inquietent' vexent' p'turbent' distringant' in aliquo seu g'auent' nec eor' aliquis molestet' inquietet' vexet' p'turbet' distringat' in aliquo seu g'auet' Nec q'd iidem Justic' Escaetores vicecomites Receptores Balliui & ministri n'ri heredum vel successor' n'ror' nec eor' aliquis in p'dict' honor' Castr' d'nia man'ia terr' ten' & cet'a p'missa cum p'tin' seu aliquam inde parcell' p'nob' seu no'ie n'ro se intromittant vel eor' aliquis intromittat, Sed q'd nos heredes & successores n'ri quod sei'end' & capiend' in manus n'ras p'd'c'a honor' Castr' d'nia man'ia terr' ten' & cet'a p'missa cum p'tin' sive aliquam inde parcell' r'one alicuius iuris tituli clamei vel int'esse quod vel qui nob' hered' & successoribz n'ris p'd'c'is p' sive post mortem d'c'i Joh'is nup' d'ni Stourton vel alicuius alt'ius Antecessoris sive aliquor' alior' Antecessor' p'd'c'i Edwardi d'ni Stourton cuius vel quor' heres ip'e est vel alicuius alt'ius p'sone seu aliquar' aliar' p'sonar' de aliquibz honor' Castr' d'niis man'is t'ris seu ten' ad vsum sup'ad'c'm seisit' vel seisit' nup' existen' vel existen' accidit competit seu euenit aut accidere compet'e vel euenire pot'it sum' exclusi imp'p'm p'p'sentes. Et q'd idem Edwardus d'n's Stourton & heredes sui erga nos heredes & successores n'ros p' p'missis & qual't inde parcella quieti & exon'ati existent & eor' quil't quiet' & exon'atus existet imp'p'm p' p'sentes. Et preterea p' nob' hered' & successoribz n'ris concedim'



p' p'sentes p'fato Edwardo d'no Stourton necnon p'd'cis quibuscumqz al' p'sonis & cuicumqz al' p'sone de aliquibz honoribz Castris d'niis man'iis t'ris ten' & cet'is p'missis cum p'tin' ad vsum sup'ius recitat' seisit' vel seisit' nup' existen' vel existen' q'd ip'i h'eant & quill't eor' h'eat de tempore in tempus tot & talia br'ia mandata ac Warranta n'ra sufficien' Justic' n'ris Baronibz n'ris de S'acc'io n'ro Escatoribz vicecomitibz Receptoribz Ballivis & ministris n'ris quibuscumqz & eor' cuill't dirigend' quot & qualia eis & eor' cuill't p' exon'ac'o'e sua v'sus nos heredes & successores n'ros in ea parte necessaria erunt & oportuna. Et ulterius de ub'iori gr'a n'ra concedim' p'fato Edwardo d'no Stourton necnon p'd'cis quibuscumqz aliis p'sonis & cuicumqz al' p'sone de honoribz Castr' d'niis man'iis terr' ten' & cet'is p'missis cum p'tin' ad vsum sup'ius recitatum seisit' vel seiset' existen' vel existen' q'd huiusmodi ingr'us seisina possessio p'ceptio & occupatio de & in honoribz Castr' d'niis man'iis t'ris ten' & cet'is p'missis cum p'tin' & qual't inde parcella p' d'c'm' Edwardum d'n'm Stourton aut p' p'd'c'am quamcumqz aliam p'sonam aut quascumqz alias p'sonas de honoribz Castr' d'niis man'iis t'ris ten' & cet'is p'missis cum p'tin' siue aliqua inde parcella autoritate har' concessionis & licencie n'rar' fact' aut h'it fiend' & h'end' sint eis & eor' cuill't & hered' suis ac hered' eor' cuius't p'ut ip'e in eisdem hereditabilis ut p'fert extitit adeo bone valide & efficaces ac tanti vigoris & effi'c'us in lege ac si eadem honor' Castr' d'nia man'ia terr' ten' & cet'a p'miss' cum suis p'tin' & qual't inde parcella in manus n'ras debito modo capta & se'ita fuissent; Ac idem Edwardus d'n's Stourton & quecumqz alie p'sone & quacumqz alia p'sona de aliquibz honoribz Castris d'niis man'iis t'ris & ten' ad vsum vt p'mittit' seisit' vel seisit' existen' vel existen' debit' lib'ac'o'em eor'dem honor' Castror' d'nior' man'ior' terr' ten' & cet'or' p'missor' cum p'tin' ext'a manus n'ras s'c'd'm' cursum Cancellar' n're p'd'c'e & s'c'd'm' legem t're n're rite & debite p'secut' fuissent; Ac nob' de om'i eo quod ad nos in ea parte p'tinet seu p'tinere possit debet aut deberet satisfact' fuisset & contentat'. Aliqua negligencia omissione misprisione errore repugnancia contr' ietate aut aliquo alio def'c'u quocumqz limitat' vel limitand' assignat' vel assignand' in aliquo non obstan', homagio tamen fidelitate & releuiis p'd'ci Edwardi d'ni Stourton nob' in hac p'te debet' seu debend' semp' nob' salius & reseruat'. Et ulterius de ub'iori gr'a n'ra dedim' & concessim' ac p' p'sentes dam' & concedim' p'fato Edwardo d'no Stourton om'ia & singula exit' reddit' p'ficua reunc'o'es & emolumen' quecumqz om'i & singulor' p'd'cor' honor' Castr' d'nior' man'ior' terr' ten' & cet'or' p'missor' & cuius't inde parcella cum om'ibz & singulis suis p'tin' a tempore mortis p'd'ci Joh'is nup' d'ni Stourton hucusqz & extunc p'uenien' exeun' em'gen' siue crescen' & nob' qualicumqz debet' p' tinen' seu spectan' habend' leuand' recipiend' p'ciend' gaudend' & retinend' om'ia & singula eadem exit' p'fic' reddit' reuenc'o'es & emolumen' eidem Edwardo d'no Stourton executoribz & assign' suis de dono n'ro tam p' manus suas p'prias q'm p' manus sep'aliu' nup' nunc & impost'um Esceator' Feodar'



Sup'uis' vicecomitum Receptor' Balliur' & alior' Occupator' quor'cumqz eor'dem seu alicuius inde parcella p' tempore existen' necnon alior' Officiar' n'rar' quor'—cumqz in sep'alibz Com' in quibz dict' honores Castr' d'nia man'ia terr' ten' & cet'a p'missa cum p'tin' existunt sive aliqua inde parcella existit absqz compoto responso seu aliquo alio nob' hered' & successoribz n'ris p' p'missis seu aliquo p'missor' reddend' soluend' seu faciend' Et ulterius volum' & concedim' p' p'sentes q'd tam p'fat' Edwardus d'n's Stourton q'm om'es nup' nunc & impost'um Escaetores Feodar' Sup'uis' vicecomites Receptores Balliui Firmar' & Occupatores de huiusmodi reuenc'o'ibz exit' reddit' & p'ficuis seu aliquo p'missor' a p'd'c'o tempore mortis p'd'c'i Joh'is d'ni Stourton hucusqz & extunc p'uenien' exeun' em'gen' siue crescen' absqz compoto responso seu aliquo alio nob' hered' & successoribz n'ris inde reddend' soluend' seu faciend' erga nos hered' success' & executores n'ros quieti & exon'ati existent & eor' quil't quiet' & exon'at' existet imp'p'm p' p'sentes Et ulterius de ub'iori gr'a n'ra et ex c'ta sciencia & mero motu n'ris p' nob' hered' & successoribz n'ris p'donauim' remisim' & relaxim' ac p' p'sentes p'donam' remittim' & relaxam' p' fato Edwardo d'no Stourton om'es & om'imod' intrusiones & ingr'us p' d'c'm Joh'em nup' d'n'm Stourton aut p' p'd'c'm Edwardum d'n'm Stourton cuius heres ip'e est aut p' aliquam aliam p'sonam siue aliquas alias p'sonas ad eius vsum seisit' vel seisit' de & in p'd'c'is honoribz Castr' d'niis man'iis t'ris ten' & cet'is p'missis seu aliqua inde parcella que de nob' vel de aliquo alio tenent' qualit'cumqz ante p'sentem diem h'it' fact' aut p'petrat' Necnon om'es & om'imod' p'quisic'o'es alienac'o'es donac'o'es fines compota & forisf'c'ur' de p'd'c'is honoribz Castr' d'niis man'iis terr' ten' & cet'is p'missis cum om'ibz & singulis suis p'tin' vel aliqua inde parcella p' d'c'm Joh'em nup'd'n'm Stourton aut p'p'd'c'm Edwardum d'n'm Stourton aut p' aliquem aliu' antecess' eiusdem Edwardi d'ni Stourton siue aliquas alias p'sonas ante mortem d'c'i Joh'is nup' d'ni Stourton sine licencia n'ra h'it' fact' aut p'petrat', Necnon om'es & om'imod' acc'o'es sectas querelas impetic'o'es execuc'o'es & demaund' quecumqz quas vel que v'sus p'fatum Edwardum d'n'm Stourton vel aliquem Antecess' eiusdem Edwardi d'n'i Stourton siue aliquas alias p'sonas de & in q'missis vel eor' aliquo h'uim' h'em' vel infutur' h'ere pot'im' ullo modo Prouiso semp' q'd he l're n're Patentes nec aliquid in eisdem contentat' aliqualit' se extend ad exon'and' p'd'c'm Edwardum d'n'm Stourton vel aliquam aliam p'sonam siue aliquas alias p'sonas aut p'dict' honor' Castr' d'nia man'ia terr' ten' & cet'a p'missa siue aliquam inde parcell' de & p' aliquo debito r'one alicuius Recognic'o'is siue Obligac'o'is nob' siue alicui Progenitor' n'ror' siue alicui al' p'sone ad vsum n'r'm cognit' seu delib'at Eo q'd expressa mencio de vero valore annuo aut de aliquo alio valore vel c'titudine p'd'c'or' honor' Castr' d'nior' man'ior' terr' ten' & cet'or' p'missor' siue eor' alicuius aut de aliis donis siue concessionibz p' nos seu p' aliquem Progenitor' siue Predecessor' n'ror' p'fato Edwardo

d'no Stourton ante hec tempora fact' in p'sentibz minime fact' existit aut aliquo statuto actu ordinac'o'e p'uisione p'clamac'o'e siue restrict'o'e in cont'ariu' inde h'it' fact' edit' ordinat' seu p'ius' aut aliqua alia re causa vel mat'ia quascumqz in aliquo non obstan' In cuius rei testimoniu' has l'ras n'ras fieri fecim' patentes Teste me ip'a apud Westm' decimo septimo die Februarii anno regni n'ri tricesimo s'c'do.

S. GERRARDE.

E."

Of the foregoing grant of Livery the following is a translation :

Elizabeth, by the grace of God Queen of England, France and Ireland, Defender of the Faith, &c., to all to whom these present letters shall come, greeting. Know that we of our especial grace, certain knowledge and mere motion have granted and given license and by these presents do grant and give license, for us, our heirs and successors, in so far as in us lies, to our well-beloved and faithful subject, Edward, Lord Stourton, brother and next heir of John, late Lord Stourton, deceased, which said John, Lord Stourton, on the day of his death, held of us in chief by military service, by whatsoever name, surname or additional name the said Edward, Lord Stourton, is named or called, That the said Edward, Lord Stourton, forthwith, and without any other proof of his age, and any other livery or suing forth of his inheritance or any parcel thereof out of the hands of us, our heirs and successors, in accordance with the procedure of our Chancery, or in accordance with the law and procedure of our Court of Wards and Liveries, or the law of our land of England, or any other manner of suing forth, may lawfully and with impunity go into, enter and seize all and singular the honours, castles, demesnes, manors, messuages, lands, tenements, reversions, fee-farms, towns, townships, hamlets, annuities, rents, services, hundreds, offices, meadows, grazing-grounds, pastures, moors, marshes, heaths, tolls, customs, views of frank-pledge, courts, escheats, bailiwicks, liberties, franchises, warrens, preserves, ponds, mills, knights' fees, advowsons and patronages of churches, vicarages, chapelries and nominations to the same, and all and singular the other possessions, revenues and hereditaments whatsoever, with all their rights, members and appurtenances, within our kingdom of England [and] Wales or the marches thereof, which formerly belonged to the aforesaid John, late Lord Stourton, and of which the said John, late Lord Stourton, or any ancestor or ancestors of the aforesaid Edward, Lord Stourton, whose heir he is, was or were possessed or seised in their demesne as of fee, or in any manner of fee tail in demesne or otherwise, on the several days of their deaths, or on the day of the death of any one of them, or of which any other person or persons was or were seised, jointly or severally, to the use of the aforesaid John,

late Lord Stourton, or of any of the ancestors of the aforesaid Edward, Lord Stourton, whose heir he is, in their demesne as of fee or in fee tail in any manner in demesne or otherwise, to the use of the said John, late Lord Stourton, or of any of his heirs or to the use of any of such ancestor or ancestors, and the heirs of such ancestor or ancestors, on the several days of their deaths or on the day of the death of any one of them, and which by or after the death of the said late Lord Stourton, or of any ancestor of the aforesaid Edward, Lord Stourton, whose heir he is, or in any other manner, fell, ought to have fallen or ought to fall into our hands, or now are, should be or ought to be in our hands, which should or ought to descend, revert, remain, belong or appertain to the aforesaid Edward, Lord Stourton, in possession, reversion or use; and that he may seize, have, hold, possess and enjoy all and singular those things to which he is heir after the death of the aforesaid John, late Lord Stourton, or of any of the ancestors of the aforesaid Edward, Lord Stourton, whose heir he is, to him the aforesaid Edward, Lord Stourton, and his heirs, as regards us, our heirs and successors, without any other livery or suing forth thereof or of any parcel thereof, out of our hands, according to the procedure of our Chancery aforesaid, or the law of our land, or in any other wise, by the aforesaid persons or by any one of them to be sued forth or required; Desiring that neither the aforesaid Edward, Lord Stourton, nor his heirs, nor any of the aforesaid persons or person whomsoever, seised of any of the said honours, castles, lordships, manors, lands, tenements and other premises to the use aforesaid, should, on account of entry therein, or occupation or retention thereof, by them or any of them made or had, or to be made or had, should, by us, our heirs, successors, justices, escheators, sheriffs, receivers, bailiffs, or servants of us, our heirs or successors, be harmed, annoyed, vexed, disturbed, distrained or made to suffer in any way, and that the said justices, escheators, sheriffs, receivers, bailiffs, and servants of us, our heirs and successors, or any of them shall not, in our name or on our behalf, interfere with the aforesaid honours, castles, lordships, manors, lands, tenements and other premises aforesaid, with their appurtenances, or with any parcel thereof, but that we, our heirs and successors are by these presents for ever precluded from seising or taking into our hands the aforesaid honours, castles, lordships, manors, lands, tenements and other premises aforesaid, with their appurtenances, or any parcel thereof, by virtue of any right, title, claim or interest which falls or becomes due, or might fall or become due to us, our heirs or successors aforesaid, by or after the death of the said John, late Lord Stourton, or of any other ancestor or ancestors of the aforesaid Edward, Lord Stourton, whose heir he is, or of any other person or persons now or formerly seised to the use aforesaid, of any of the honours, castles, lordships, manors, lands or tenements; and that the aforesaid Edward, Lord Stourton, and his heirs, and every one of them, are by these presents, for ever quit and discharged to

us, our heirs and successors, as regards the aforesaid premises and any parcel thereof. And further, for us, our heirs and successors, by these presents we grant to the aforesaid Edward, Lord Stourton, and to all the aforesaid other persons or person whomsoever, now or formerly seised to the use above recited of any of the honours, castles, lordships, manors, lands, tenements, and other premises aforesaid, with their appurtenances, that they and any of them shall have from time to time such writs, mandates and warrants from us to our justices, Barons of our Exchequer, escheators, sheriffs, receivers, bailiffs and other servants, and any of them, as shall be necessary and requisite for them or any of them for their acquittance in this behalf to us, our heirs and successors. And further, of our especial grace, we grant to the aforesaid Edward, Lord Stourton, and to all other persons or person, now or formerly seised to the use aforesaid of any of the honours, castles, lordships, manors, lands, tenements and other premises aforesaid, with their appurtenances, that such entry, seisin, possession, taking or occupation of or in the honours, castles, lordships, manors, lands, tenements, and other premises aforesaid, with their appurtenances, and any parcel thereof, by the aforesaid Edward, Lord Stourton, or by any other person or persons aforesaid [now or formerly seised] of the aforesaid honours, castles, lordships, manors, lands, tenements and other premises aforesaid, with their appurtenances, or any parcel thereof, by authority of this our grant and license, made or had, or to be made or had, shall be as good, valid, effectual, and of equal force and efficacy in law to them and each of them and the heirs of them and each of them, as heirs thereto, as aforesaid, as if the said honours, castles, lordships, manors, lands, tenements, and other premises, with their appurtenances, and every parcel thereof had been taken and seised into our hands in due manner; and as if the said Edward, Lord Stourton, and any other persons and person, now or formerly seised to the use as aforesaid, of any of the honours, castles, lordships, manors, lands and tenements aforesaid had duly and properly sued livery of the said honours, castles, lordships, manors, lands, tenements and other premises aforesaid, with their appurtenances, out of our hands in accordance with the procedure of our Chancery aforesaid, and the laws of our land; and as if all that is, may, might or ought to be due to us in this behalf had been duly done and fulfilled, any negligence, omission, misprision, error, reluctance or other default whatsoever, limited, or to be limited, assigned or to be assigned, notwithstanding, reserving, nevertheless, to us, the homage, fealty and reliefs due from the aforesaid Edward, Lord Stourton, to us in this behalf. And moreover, of our further grace, we have given and granted, and by these presents, give and grant, to the aforesaid Edward, Lord Stourton, all and singular the issues, rents, profits, revenues, and emoluments whatsoever of and from all and singular the aforesaid honours, castles, lordships, manors, lands, tenements and other premises aforesaid,

and of every parcel thereof, with all and singular their appurtenances, from the time of the death of the aforesaid John, late Lord Stourton, up to the present, arising, issuing or accruing, and to us in any wise due, appertaining or belonging, to have, levy, receive, take, enjoy and retain all and singular the said issues, profits, rents, revenues and emoluments to the said Edward, Lord Stourton, his executors and assigns, as of our gift, by his own hands as well as by the hands of our several late, present or future escheators, feodaries, supervisors, sheriffs, receivers, bailiffs or other holders thereof or of any parcel thereof for the time being, and of any other our officers for the time being in the several counties in which the said honours, castles, lordships, manors, lands, tenements and other premises aforesaid, with their appurtenances, or any parcel thereof, are or is, and without any account or return of the premises aforesaid, or any payment or rent therefor, to us, our heirs or successors. And further we will, and by these presents grant that both the aforesaid Edward, Lord Stourton, and all our former, present and future Escheators, feodaries, supervisors, sheriffs, receivers, bailiffs, farmers and holders [of the above premises], and every one of them, by these presents is and are for ever quit and discharged with regard to all such revenues, issues, rents and profits or anything else arising, issuing or accruing, from the said time of the death of the aforesaid John, Lord Stourton, to the present time, without any account or return of the premises aforesaid, or any payment or rent therefor, to us, our heirs, successors and executors. And moreover, of our further grace, certain knowledge and mere motion, for ourselves, our heirs and successors, we have pardoned, remitted and released. and by these presents do pardon, remit and release, to the aforesaid Edward, Lord Stourton, all and all kinds of intrusions and entries by the said John, late Lord Stourton, or by the aforesaid Edward, whose heir he is, or by any other person or persons seised to the use aforesaid of and in the said honours, castles, lordships, manors, lands, tenements and other premises aforesaid, or any parcel thereof, held of us or of any other, in any wise before the date hereof made, had or effected; and also all and all manner of receipts, alienations, donations, fines, accounts and forfeitures of the aforesaid honours, castles, lordships, manors, lands, tenements and other premises aforesaid, with all and singular their appurtenances, or any parcel thereof, by the said John, late Lord Stourton, or the aforesaid Edward, Lord Stourton, or by any other of the ancestors of the said Edward, Lord Stourton, or by any other persons before the death of the said John, late Lord Stourton, without license from us, had, made, or effected; and all and all kinds of actions, suits, quarrels, petitions, executions and demands whatsoever, which we had, have or in future might have in any wise against the aforesaid Edward, Lord Stourton, or any other persons, regarding or in the premises aforesaid, or any of them; Provided, nevertheless,



that these our Letters Patent, and anything in them contained, shall not discharge the aforesaid Edward, Lord Stourton, or any other person or persons, of the aforesaid honours, castles, lordships, manors, lands, tenements and other premises, or any parcel thereof, of and from any debt under any recognizance or obligation, made or entered into to us or to any of our progenitors, or to any other person to our use. Although no express mention of the actual yearly value or of any other value or particular of the aforesaid honours, castles, lordships, manors, lands, tenements and other premises, or of any of them, or of the other gifts or grants by us, or any of our progenitors or predecessors, heretofore made to the said Edward, Lord Stourton, is in these presents set forth; and notwithstanding any statute, act, ordinance, provision, or restriction to the contrary, had, made, published, ordained or provided, or any other thing, cause or matter whatsoever. In witness whereof we have caused these our Letters Patent to be made. Witness myself at Westminster, the seventeenth day of February, in the thirty-second year of our reign.

(Signed) S. GERRARDE.

“E.”

The following is an extract from “The Last Abbot of Glastonbury,” by Francis Aidan Gasquet, D.D., of the Order of St. Benedict. London: Simpkin and Marshall, 1895.

“Thus an interesting account of Abbot Whiting at Glastonbury is given in an official examination regarding some debt, held a few years after the abbot's martyrdom. John Watts, ‘late monk and chaplain to the abbot,’ said that John Lyte, the supposed debtor, had paid the money ‘in manner and form following. That is to say, he paid £10 of the said £40 to the said abbot in the little parlour upon the right hand within the great hall, the Friday after New Year's Day before the said abbot was attained. The said payment was made in gold’ in presence of the witness and only one other: ‘for it was immediately after the said abbot had dined, so that the abbot's gentlemen and other servants were in the hall at dinner.’ Also ‘upon St. Peter's day at mid-summer, being a Sunday, in the garden of the said abbot at Glastonbury, whilst high mass was singing,’ the debtor ‘made payment’ of the rest. ‘And at that time the abbot asked of the said master Lyte whether he would set up the said abbot's arms in his new buildings that he had made. And the said master Lyte answered the said abbot that he would; and so at that time the said abbot gave unto the said

Mr. Lyte eight angels nobles. And at the payment of the £30 there was in the garden at that time the Lord Stourton.\* I suppose,' continues the witness, 'that the said Lord Stourton saw not the payment made to the abbot, for the abbot got him into an arbour of bay in the said garden and there received his money. And very glad he was at that time that it was paid in gold for the short telling, as also he would not, by his will, have it seen at that time.† Thus too almost the last glimpse afforded of the last Abbot of Glastonbury in his time-honoured home shows him in friendly converse with his near neighbour, Lord Stourton, who was the head of an ancient race which popular tradition had justly linked for centuries with the Benedictine order, and which even in the darkest days of modern English Catholicity proved itself a firm and hereditary friend."

The following extract from "Lyte of Lytescary," by (Sir) Henry Maxwell Lyte (K.C.B.), refers to the same incident :

"In 1537, John Lyte served the office of Escheator of the King in the counties of Somerset and Dorset. In May of that year, he incurred a debt of £40 to Richard Whiting, Abbot of Glastonbury. One quarter of this he paid on the first Friday in 1539, 'in the lytyll parler uppon the righte honde withyn the gret hall' of the abbey, just after the Abbot had finished his dinner, and while his gentlemen and servants were dining in the hall. The Abbot, however, being anxious to have the rest of the money, sued him before the justices of the Common Bench at Westminster, upon his bond for 100 marks. Part of the sequel may be told in the words of John Watts, one of the monks :

"The said John Lyte uppon Saynt Petterys day at Mydsomer, then beyng Sunday, in the gardying off the said Abbottes att Glastonbury, whillis highe mas was syngyng, made payment unto the said Abbot of 30*li*. yn good aungell noblis, whiche made upp the said 40*li*. And then the said Abbott delyveryd the said 30*li*. to me the said John Wattes, and att that tyme askyd of the said Master Lyte whether he wollyd sett upp the said Abbottes armys in his newe buldyng that he hadde made, and the said Master Lyte aunswaryd the said Abbott that he wolde, and so att that tyme the said Abbott gave unto the said Master Lyte 8 aungell noblis.'

"Lord Stourton and others who were walking in the garden did not see the payment, because the Abbot 'gote hym into a erber of bay in the said gayrdayng and ther recevyd his money, and very glad he was att that tyme that hit was payde in

\* This Lord Stourton is supposed to have been William, seventh Lord Stourton.

† "R. O. Exch. Augt. Off. Misc. Bk., xxii., Nos. 13-18. In view of the circumstances of the time, it seems likely that the witness was anxious to ward off any possibility of Lord Stourton being mixed up in the affair. This anxiety to save friends from embarrassing examinations is a very common feature in documents of this date."



golde, for the schorte tellyng, as also he wollyd not by his wyll have hit sene att that tyme.' John Lyte of course asked for the return of his bond, but as the Abbot said that it could not conveniently be found at the moment, and promised to return it on a specified day, he went away, satisfied by the surcease of the suit against him."

The following are further extracts from "Lyte of Lytescary":

"On the external face of the south wing there is nothing which calls for remark except the bay window. This is surmounted by a rich parapet which rises high above the eaves of the general roof, and which contains in the centres of the quatre-foils of which it is composed a series of heraldic emblems, as below:

On the west side, on a billet S and a tun for Stourton,  
on a shield a sledge, the Stourton badge."

"Amongst a list of shields in stained glass which were set up in the Manor House of Lytescary is to be found the following, which seems to have occupied a rectangular panel larger than those of the regular series:

LORDE STURTON AND MY LADYS. Sable a bend or between six fountains proper; impaling (Gules three infants' heads couped at the neck proper, crined or). Supporters—two antelopes azure."

Why the Stourton arms should have been set up in Lytescary Manor House is not very apparent, unless it was owing to the relationship through the Fauntleroy family. The stained glass above referred to, though at present in a damaged condition, is now (1899) in the possession of Sir H. Maxwell Lyte, K.C.B. As this is one of the few instances that exist in which the antelopes azure (or are they goats?) figure as the supporters of the Stourton arms, an illustration will be found herein of the glass as it now exists. The following extract from the same book may possibly be traceable to the same relationship:

"By Margery his wife, Thomas Lyte had issue eight children:

John, his successor.

William, of Lillesdon.

William, the younger. The pedigree states that he 'lived at Sutton Montague near Cadbury and belonged sometime to the Lord W. Stourton.' . . . This William Lyte seems to have been concerned in a lawsuit in 1542, and to have died about 1563."

The following extracts from the Patent Rolls doubtless refer to a member of the family, but his identity does not seem capable of positive identification. He is probably the Thomas Stourton mentioned on page 300 :

Pat. Roll. 5 Jas. I., pt. 11 :

Grant to William Blake of (*inter alia*) a close of land in Paradise in Glaston, Co. Somerset, in tenure of Thomas Stourton.

Pat. Roll. 4 Chas. I. :

Among the premises included in the Ditchfield Grant is a curtilage on the high road, Glaston, in the tenure of Thomas Stourton.

An Inquisition Post Mortem was taken for Roger Stourton (see pages 299 and 300) in Co. Dorset, the 5th year of the reign of Edward VI.

An Inquisition Post Mortem was taken for William Stourton (see pages 321 and 322) in Co. Somerset in the 37th of Elizabeth.

An Inquisition for Mary Stourton (probably his wife) was taken in Co. Wilts. the following year.

The following entries from the Subsidy Rolls relate to Hercules Stourton (see pages 301 and 302) :

Lay Subsidy Wills,  $\frac{1399}{1400}$ .

Second payment of an entire Subsidy granted 19 August 1 James I. Extractes indented made 23 March 8 James I.

Branch and Dole Hundred

Little Langford

Hercules Sturton gen. in goods - - - - vjli vjs

Exchr. Subsidy Roll  $\frac{1399}{1400}$ , Wilts. 3-4 Car. I.

Branch and Dole Hundred.

Hanging Langford and Little Langford.

Hercules Sturton, gent, in goods - - - - £6. 16<sup>s</sup>

Do.  $\frac{1399}{1400}$ , Wilts. 16 Car. I.

Branch and Dole Hundred.

Hanging Langford and Little Langford.

Hercules Stourton, Esq., in goods - - - - £6. 1. 12<sup>d</sup>

## OVER MOIGNE PARISH REGISTERS.

The following entry is in addition to those which have been already noticed in their proper places in the text :

## BAPTISM.

1609. " Anne a base born child between Prudence Angel and John Stourton gent was baptized the 22<sup>nd</sup> day of October."

(It does not seem very clear who this John Stourton was.)

## LITTLE LANGFORD.

The following is an extract from an undated newspaper article relating to Little Langford, for which we are indebted to the Rev. C. S. Earle, the present (1899) Rector of the parish :

"The rest of the church was added by the Stourtons in the reign of Queen Elizabeth, and is a specimen of the debased style. The chantry chapel on the south side of the church was founded A.D. 1325 by John of Langford, and endowed with lands given to the Prior of St. John's, to find one chaplain to pray for the souls of the founder and Agnes his wife. A tomb with the letters I.H. and the mutilated figure of a gentleman of the time of James I. is that of John Hayter (who married Melior Marvyn, of Pertwood). In 1457 and 1502 this chantry belonged to the Stourtons, who had lands in the parish called Langford Dennis. The shield of arms carved on stone, and now let into the wall of the chimney of the vestry, is that of Stourton impaling Dennis with a crest, the sledge or firedrag. Hoare, in his usual haphazard style, says these arms are Stourton quartering Frampton. This shield was formerly over the North Porch, and had on it the letters H.S. and the old Stourton motto, 'Espoir en Dieu.'"

The impalement in question is a bend between two charges which it is now impossible to decipher. Consequently it is equally impossible to identify the arms. They are certainly not those of Dennis (see page 300), which appear in the 1688 pedigree. The Stourton family were patrons of the advowson from 1443 certainly until 1529, and probably later. The Earls of Pembroke were the patrons from 1573 onwards.

The Rev. C. S. Earle, writing August the 8th, 1898, adds : " There is a hill in this parish called 'Stourton' or 'Stourton's Hat.' Perhaps the name refers to their former ownership of the parish." Doubtless this is the case, and probably the name is also a survival of the traditions relating to the heroic and gigantic Botolph.

## ABSTRACTS OF STOURTON WILLS.

The following are abstracts of the Wills of various members of the Stourton family :

## THE WILL OF WILLIAM STOURTON,\*

Dated 20 July, 1410.

To be buried in the Priory of the Carthusian order at Wicham, [co. Somerset]. The black cloth used at my burial to be divided amongst my son John, my daughter Margaret, my brothers, sisters and servants. On the same day a red cloth of gold is to be offered at the first mass, and a damask cloth at the second mass.

I bequeath to the Prior and convent aforesaid, a basin for washing their feet in. to John, my son, a red missal worth £10, and another covered with black silk, worth 12 merks; also a psalter worth 5 merks; a portiforium which I have of the gift of my father, worth 40<sup>s</sup>.

to my reverend lord and father, the Archbishop of Canterbury, a cup with a cover of gold.

to Margaret, my daughter, £200 for her marriage; if she die unmarried the £200 to be disposed of by my executors for the souls of my parents, my wife and all faithful Christians.

to my servants, rewards at the discretion of my executors.

The residue of my goods to be disposed for the good of my soul.

Executors: Sir William Haukeford, Knight; my dear brother, John Stourton, and Morgan Gooch.

No witnesses.

Proved: 22 Sept., 1413, by John Stourton, one of the ex'ors named; with power reserved, &c.

23 Sept., 1413, commission issued to Master Richard Stourton, Rector of Gyllingham, Sarum dioc., to administer the oath to Morgan Gooch, another of the ex'ors named.

\* P. C. C., Marche 27 (Latin). N.B.—Part of the will is pasted over with linen, which cannot be read through.

## THE WILL OF JOHN STOURTON,\*

Of Preston [co. Somerset], the elder, son of John Stourton, late Lord of Stourton, brother of William Stourton, son and heir of the said John Stourton of Stourton,

Dated 10 Nov., 1438.

I desire to be buried in Staverdale Church; my body to be drawn to the church on my best wain by my ten best oxen, which are to remain to the said house. The Prior of the house to have 40<sup>s.</sup>, and each canon, 20<sup>s.</sup>, on the day of my funeral.

I bequeath to Katherine, my wife, 14 oxen now at Preston, with waggons, harness and husbandry gear; 200 sheep, and half the corn in my barn there; also all my baking and cooking utensils, of lead, iron, brass or wood, and other household stuff; 2 silver salt cellars, and all the cups in the butlery, assigned by deed to Thomas Panter; also a pair of vestments for the chapel, of black and red tartryn, which formerly belonged to my brother, Master Richard; a silver covered cup, which belonged to St. Thomas the Martyr; also all the "stuff" belonging to the hall, both for summer and winter, excepting the silver vases; also a grey ambling horse, that I had from the Bishop of Bath's receiver; a silver cup, called "a stonnyng cuppe," covered, gilt and enamelled, the pomell of blue, over 2 lbs. 8½ ounces; and other cups, &c.

to Sir John Stourton, Knight, a good psalter, which belonged to William, his father; a pair of vestments and other ornaments for his chapel.

to the Lady Abbess of Shafton, a piece of silver plate, which belonged to Master Edward Prentys.

to Anastasia, my sister, another piece of plate.

to William Carent and Margaret, his wife, a gold "precarium," and the black horse I had from Sir Thomas Kyryall, Knight.

to Cecilia, my daughter, a silver-gilt covered cup, which I had of Nicholas Orteys.

My executors are to provide the expenses of completing the building of the church and cloisters at Staverdale, glazing the windows, &c. The two images I took there are to be placed in the middle of the choir of the said church, between the stalls; underneath a grave is to be made for myself and my wife, built with walls, and an iron railing to be placed round about; the lecturn ? (*lectrinum*) to be at the head of the said grave. The church to be properly paved with tiles bearing the arms of myself and my mother.

\* P. C. C., Luffenham, 25 (Latin).

I bequeath to the friars of Dorchester, 6<sup>s</sup> 8<sup>d</sup>.  
 to the friars of Bryggewater, 6<sup>s</sup> 8<sup>d</sup>.  
 to the fabric of Yevell church, 40<sup>s</sup>.  
 to the fabric of St. Andrew's, Wells, 6<sup>s</sup> 8<sup>d</sup>.  
 to Johanna Sydenam, my daughter, a cup.  
 to William Carent, for his pains and trouble, £10.  
 to William Bochell, 10 merks.  
 to John Godewyn, for acting as executor to master Richard Stourton  
 and myself, £10.  
 to Lewis, Rector of Penne, 100<sup>s</sup>.

My executors are to erect a tomb at Dowlysshwake, with the figures of an armed man, and a gentlewoman, as a memorial of John Keynes and his wife ; to be placed between the high altar and the chantry chapel of the said John.

If my nephew, Sir John Stourton, trouble my executors with regard to any of the matters in dispute between William, his father, and himself, the above legacy to him to be void ; and the reversion of my manors, lands and tenements, after the termination of existing statutes therein, to remain to my right heirs. If he do not trouble them, he is to have according to the disposition I have made.

The residue of my goods to be applied to the provision of above legacies, and to be distributed for the good of my soul.

Executors : William Carent. John Godewyn and William Bochell.

Not witnessed.

Proved : 27 Jan. 1438, by William Payne, proxy for the executors named.

#### THE WILL OF ROGER STORTON,\*

Of Ruston, co. Dorset, Esquire,

Dated 28 Jan. 4 Edw. IV.

To be buried in Ruston parish church.

I bequeath to every poor householder of Ruston, 12<sup>d</sup> apiece.

My wife to enjoy my manor of Upserne for her life, with remainder to my niece Dorothy Storton, if she be ruled by honest order of Jane, my wife ; or if fault be found with her governance, my niece shall be ruled by my lord my nephew. My wife shall also enjoy 1,000 sheep now on the said manor, with remainder, at her death, as above ;

\* P. C. C., Bucke, 7.

I bequeathe to my nephew, my lord, my whole stock of sheep at the manor of Langford, co. Wilts, in consideration of accounts pending between him and me

To every one of my godchildren at Ruston, 3 sheep.

To Jane, my wife, the remainder of my stock at Ruston. She is to have the manor-house at Ruston for life, as my lord is contented ; also all my cattle at Brokhall in Essex.

To each of my tenants in Upscron a quarter's rent.

To Mr. William Thornell, my cross-bow and bendere.

To John Storton, 40<sup>s</sup> and a gelding.

To William Storton, my great grey mare.

To George Storton, my black mare.

To Giles Storton, my great roan mare and 6 lambs.

To Fraunces Roger, 6 young beasts and 6 ewes towards her marriage.

To Margaret Rogers, 2 young kine.

To Mr. Bueres, my wife's brother, my ambling gelding.

To Sir John Bucke, 5 weight of wool.

To my sister King, 40 sheep and 4 kyne, which she hath already.

Small legacies to Christopher Gerrard, my servant ; to Arthur Dyssh ; Edward Skynner ; Jaks Capon and his son, my godson ; to Robert Fowyes, Roger Davy, William Shomaker's daughter, and Edward Rogers, my godchildren ; to William Davy, my servant ; to Katheryn Rogers, Roger Payne, Roger Meldyche, my godchildren, and to all my godchildren at John Norman's.

John Norman, Richard Samforde, Thomas Savege, Robert Roberts, William Shall and John Myntorn to have their liveries according to my lord's livery, which is white and black. My other servants to have coarser suits.

Small legacies to my god-children Roger Burges, Robert Roberts and Roger Fraunces.

John Kaye shall have the lord's mill at Ruston, for life, at a yearly rent.

[Various other arrangements are made concerning the holdings of tenants.]

Residuary legatee and executrix : my wife Jane.

Overseers : my lord Charles Storton, my nephew, and Sir John Rogers, knight.

Witnesses : William Lovell, gent. ; Henry Daschwood ; Arthur Dysch ; Jakes Capyn, and others.

Proved : 3 March 155 $\frac{1}{2}$ , by Robert Bures, proxy for the Relict and Executrix named.



## THE WILL OF ARTHUR STOURTON,\*

Of Westminster, keeper of the Queen's palace there, Esquire,

Dated Wednesday, 9 February, 1557.

I bequeath my soul to our blessed Lady Saint Mary and all the holy company of Heaven ; and my body to be buried at St. Martyn's church, by my wife.

I bequeath to the said church, 3<sup>s</sup> 4<sup>d</sup>.

Residuary legatees and executors : my brother, William Stowrton, and my cousin, Edmond Phelton ; who are to pay my debts, &c., and divide the overplus of my estate between my two children.

Witnesses : John Denham. Lyonell Battye. Fraunces Earman. Nicholas Stanly. Henry Whittacre.

(Signed) Arthur Stowton.

Proved : 3 May, 1559, by the executors named.

[A note in pencil in the margin says : He was buried at St. Martins in the Fields, Feb. 11, 1557-58.]

## THE WILL OF WILLIAM STOURTON,†

Of Fantlerois Marshe, co. Dorset, Esquire,

Dated 12 March, 32 Elizabeth.

I give & bequeath all my lands & tenements in the parishes or hamlets of Whitlackington, Silvenge, Atherston, Shepton Montague, Pitcombe, Coall and Brewton, co. Somerset, to my wife Mary Stourton & her heirs for ever ; also all my leases & chattels in Wormister prebend, the parsonage of Pilton *alias* Pulton, co. Somerset, & of and in half the demesnes of Howton, co. Dorset.

To my well-beloved cousins, Edward Stourton & Philip Stourton, Esquires, all the household stuff I have at this present in the dwelling-house of the farm or demesnes of Overmoynes, co. Dorset, with all the hay & wood upon the said farm ; equally between them.

To my honourable good kinsman, the Lord Edward Stourton, one basin and ewer of silver all gilt, to the value of £40, with my arms & name to be engraven upon them, in token of my love and affection unto him.

\* P. C. C., Chayney, 20.

† P. C. C., Drury, 18.

To his brother, my cousin, Charles Stourton, £20.

To my well-beloved brother, Giles Stourton, £20.

To my well-beloved cousin, Cicelye Fantleroye, widow, £10.

To my cousin & servant, Richard Harrison, £20.

To my son William Morgan, all my household stuff now in the mansion-house of Littlecumberton, co. Worcester.

To my son in law, Christopher Morgan, Esq., a bed & bedding.

To each of my household servants, men & maids, a year's wages.

Residuary legatee & executrix : my wife Mary Stourton.

Overseers : my well-beloved friends, John Fitzjames, Thomas Chaffyn and Christopher Morgan, Esquires, and to every of them I give a silver bowl value £3.

Witnesses : John Fitzjames. Thomas Chaffyn. Christopher Morgan. William Morgan. John Fookes. Roger Crosse. Richard Harrison.

Proved : 19 March 1588, by Anthony Lawe, notary public, proxy for Mary, the relict & executrix named.

#### THE WILL OF MARY STOURTON.\*

Undated.

I give to my son Troyelus Turbeville, £20.

to my daughter, Cassander Turbeville, £20.

to Henry Rodney, my godson, £4.

to Mistress Jane Rodney, wife of John Rodney, Esq., a long cushion of cloth of gold.

to Mistress Alice Wadham, my gown of damask, &c.

to Thomas Fitzjames, my godson, £4.

to John Crokehorne's daughter's son, my godson, £4.

to Robert Leversadge, my daughter's son, £4.

to my god-daughter Marie Sanders, towards her marriage, £5.

to the poor of Pilton, 8 bushels of wheat.

to the poor of Wootton, 6 bushels of wheat.

to the poor of Wormister, 2 bushels of wheat.

to the vicar of Whitelackington, 10<sup>s</sup>.

to the poor thereof, 20<sup>s</sup>.

\* P. C. C., Drake, 53.

to the poor of Puckington & Stocklinthe, 10<sup>s</sup> severally.

to those that shall fortune to serve me at my hour of death, so much as their yearly wages is.

I grant & confirme to William Morgan, my son, all my lands & tenements whatsoever.

Residuary legatee and executor : the said William Morgan.

Overseers : John Rodney, Esq., and John Crookehorne, Esq., to whom I give £3 apiece to be bestowed in 2 rings, for their pains.

The mark of Marie Stourton.

Witnesses : James Bisse. William Walter. Richard Bisse. Roger Crosse. Thomas Wilkins.

Proved : 9 July, 1596, by Thomas Redman, notary public, proxy for the executor named.

#### THE WILL OF EDWARD STOURTON,\*

Dated 27 May, 1640.

I give to Sir Edward Suly, and my sister Margaret, his wife, £10 apiece.

I make my brother, Thomas Stourton, my executor in trust, & give him £20, and £50 more to be disposed of as my brother, my Lord Stourton, shall direct him.

I give to my niece, Margaret Norton, £10.

to the daughter of my brother Francis, £10.

to Mr. Morge & his wife, in whose house I lie, £15.

to Marie Atkins, my god-daughter, £3.

to John Hone and Jane Smarte, £3 apiece.

to Mistris Morgan's three maids, 25<sup>s</sup>.

to my brother Lord Stowrton's children, my third part out of the farms of

Overmoyne, during my brother Thomas's life.

to my cousin, Marie Sulyard, my silver tankard.

to my cousin, Ralphe Sulyerd's wife, my silver sugar-box.

to my cousin Ralph Sulyerd, my gilt cup.

to my cousin John Webb of Odstock, £5.

to Mr. John Webb, his wife and son, £5.

When my brother Lord Stourton hath discharged all the debts wherein I stand for him, viz. £200 principal to Mr. Seagar, & £100 principal to Mr. Joseph

\* P. C. C., Coventry, 91.

Quintan, & all the legacies above bequeathed, then my executor shall deliver to him the conveyance of the parts of Gillinge which I now have from my lord for security of £430.

Witnesses : Edward Stourton.\* John Molins. H. Cury. Joseph Quintine.  
John Morgan. Ro : Holte.

9 June, 1640, administration granted to William, Lord Stourton, brother of deceased, the executor named renouncing.

THE WILL OF FRANCIS STOURTON,†

Of Overmoyne, co. Dorset, Esq.,

Dated 22 July, 1637.

I bequeath to my well-beloved brother, William, Lord Stourton, £50.  
to my brother, Thomas Stourton, "the Grovage."  
to my sister Silier, a green Emerald ring.  
to my sister Norton, my watch.  
to my cousin Walford, £10.  
to my cousin, Katherine Trudgen, £4.  
to Mrs. Phillips & Jane Smart, £1 apiece.  
to Dorothe Harding, & Margaret Monday, £2 apiece.  
to the poor Catholics of London, £10.  
to Mr. Newman & Mr. Martin, £2 apiece.  
to the poor Catholics in Dorsetshire, £10.  
to Mr. Lewsie, £5.

There is due unto John Harrington, £12 6<sup>s</sup>.

I bequeath to my cousin William Stourton, £5.  
to Margaret Sturton, his daughter, £5.  
to his wife, £6; to his six other children, 20<sup>s</sup> apiece.  
to Mr. Mathew Holmes, £5.  
to my man Plumcott, £5.  
to my cousin Henry Stowrton & his wife, & my cousin Grissell,  
£12, & unto all his children, 20<sup>s</sup> apiece, £6.  
to Bridget Smart, £1.

(Signed) FRANCIS STOURTON.

Witnesses : Richard Plumcott. Phillip Stourton. Charles Stourton. Elizabeth Stourton.

\* Query if testator or witness?

† P. C. C., Lee, 168.

Memorandum that on Saturday next after the making of the above will, viz. 29th July, 1637, the deceased, then lying sick in his house at Overmoynes of the sickness whereof he died, commanded his cousin William Stourton to be called unto him, & when he came unto him, said :—Cousin Stourton, you know that I told you to-day in the morning that I would give to the Lord Stourton, my brother (meaning Wm., Lord Stourton, party in this cause), £100, & my part of the farm of Overmoynes after my decease. I cannot give it, for it is my wife's jointure ; but he oweth me £200, which I freely forgive him, besides the £50 in my will ; and this he declared in the presence of two witnesses.

A dispute ensues between Elizabeth Stourton, relict of the deceased, of the one part, and Thomas and Edward Stourton, Esquires, Lady Mary Stourton, *alias* Norton, and Lady Margaret Stourton, *alias* Siliard, brothers and sisters of the deceased, of the other ; and another between William, Lord Stourton, and the said relict, regarding rights and interests in and under the will, to the latter of which Sir Walter Norton, Knight, Guardian at Law of Frances Stourton minor, daughter of deceased, is also a party. A definitive sentence declares the codicil of equal effect with the will, 23 Nov., 1638.

27 April, 1638, commission issued to Elizabeth Stourton, relict of Francis Stourton, late of Over Moynes, co. Dorset, dec<sup>d</sup>, to adm'r, pending decision in the suit between the said Elizabeth of the one part, and William, Lord Stourton, and Sir William Norton, Baronet, guardian of Frances Stourton, daughter of the dec<sup>d</sup>, of the other part.\*

THE WILL OF THOMAS STOURTON,†

Of the parish of Stourton, co. Wilts, Gent.,

Dated 17 December, 1688.

For the love, goodwill and affection I have and bear towards my loving friend John Beale, of Reading, in the county of Berks, gent., I give and grant to him the sum of £25, which was due to me the 12th of November, 1688, from Francis Coventry, Esq., of Carshalton, co. Surrey.

(Signed) THOMAS STOURTON.

Witnesses : James Beale. Mary Greenaway. Easter Beale.

29 December, 1688, commission issued to John Beale, universal legatee named in the will of Thomas Stourton, dec<sup>d</sup>, of Stourton, but deceased at Reading, co. Berks, to administer the will of said deceased, no executor being named.

\* Admon. Act-Book, 1636-38, fol. 171.

† P. C. C., Exton, 165.

## THE WILL OF THOMAS STOURTON,\*

Of Overmoine, co. Dorset, Gent.,

Dated 15 Jan. 169 $\frac{1}{2}$ .

I bequeath my soul to God, my body to the earth, rottenness and worms. I abandon freely all temporal goods, which are but mere vanity. I repent me with all my heart of my sins. . . .

Universal legatees and executrices: my sisters Frances Stourton and Dorothy Stourton.

(Signed) THO : STOURTON.

Witnesses: Elnor Guey. Giles Holland. Samuel Garlent.

Proved: 7 August, 1696, by Frances and Dorothy Stourton, executrices named.

## THE WILL OF WILLIAM STOURTON,†

Of the parish of St. Giles in the Fields, co. Middlesex, Esq.,

Dated 3 April, 1724.

Universal legatee and executor: my dearly beloved brother, the Rt. Hon. Thomas, Lord Stourton.

(Signed) WILLIAM STOURTON.

Witnesses: Roger Tuckfield. William Lucas. R. Westby.

Proved: 13 April, 1728, by the oath of executor named.

The following Grants of Administration relate to various persons of the name of Stourton:

## LEONARD STOURTON.‡

29 January, 1604, commission issued to Hercules Stourton, son of Leonard Stourton, late of Little Langford, co. Wilts, dec<sup>d</sup>., to administer the goods, &c., of the said deceased.

\* P. C. C., Bond, 166.

† P. C. C., Brook, 126.

‡ P. C. C., Adm<sup>n</sup>. Act-Book, Jan.-Mar., 1605, fol. 232.

## LEONARD STOURTON.\*

- 13 November, 1605, commission issued to Joan Stourton, relict of Leonard Stourton, late of Little Langford, co. Wilts, deceased, to administer the goods, &c., of said deceased; the commission granted to one Hercules Stourton, son of deceased, on the 29th day of January last, being declared null and void.

## WILLIAM STOURTON.†

- 16 November, 1678, commission issued to the Hon. William, Lord Stowrton, brother's son of William Stowrton, late of the parish of St. Giles in the Fields, co. Middlesex, deceased, to administer the goods, &c., of the said deceased.

## THOMAS STURTON.‡

- 12 February, 1683, commission issued to Anne Sturton, widow, relict of Thomas Sturton, late of South Petherton, co. Somerset, deceased, to administer the goods, &c., of the said deceased.

## RICHARD STURTON.§

- 14 May, 1692, commission issued to Richard Bury, principal creditor of Richard Sturton, late of Weyke Regis, co. Dorset, but deceased at sea, to administer the goods, &c., of the said deceased, Elizabeth Sturton, the relict, renouncing.

## THOMAS STOURTON.||

- 3 November, 1669, commission issued to the Hon. William, Lord Stourton, brother of Thomas Stourton, late of Stourton, co. Wilts, Esq., widower, deceased, to administer the goods, &c., of said deceased.¶
- 25 June, 1672, commission issued to William, Lord Stourton, nephew and next of kin of above-said deceased, to administer goods, &c., of said deceased, left unadministered by the late Lord Stourton, likewise deceased.

\* P. C. C., Admon. Act-Book, 1605-10, fol. 23.

† *Ibid.*, 1678, fol. 130.

‡ *Ibid.*, 1683, fol. 22.

§ *Ibid.*, 1662, fol. 86.

|| *Ibid.*, 1699, fol. 145.

¶ *Ibid.*, 1669, fol. 65.



The following are the particulars of the probate of two recent Wills :

Charles, 19th Lord Stourton, died 23 Dec., 1872 ; his Will was made April 23, 1869, with a Codicil also of same date, April 23, 1869. The Will was proved with the Codicil Feb. 21, 1873. The sole Executor was Hon. Alfred Stourton, eldest son.

Alfred Joseph Lord Mowbray, Segrave and Stourton, died April 18, 1893. His Will was made Jan. 28, 1893, and was proved July 13, 1893. The Executors were the Rt. Hon. Mary Margaret, Lady Mowbray and Stourton, and the Hon. Charles Botolph Stourton, wife and eldest son.

~~~~~  
The real date of the will of John, 9th Lord Stourton (see pages 434 and 435), is the 8th of October, 1588.

~~~~~  
From an entry in the Devonshire Visitation it appears that "Jacobus Chudlegh Milis" married "Margareta filia Willi domini Stourton, ux 1." Covenant before marriage dated 1476.

~~~~~  
The extract on page 585, relating to the park at Allerton, taken from the Household Books of the Clifford family, should be dated 1609.

~~~~~  
The "*London Gazette*" of Tuesday, February the 7th, 1899, contained a notice of the following appointment :

*5th Battalion,\* the Prince of Wales's Own Leinster Regiment (Royal Canadians),*  
The Honourable Edward Plantagenet Joseph Stourton to be Second Lieutenant.  
Dated 31st January, 1899.

~~~~~  
Herbert Marmaduke Joseph Stourton and his wife, the Hon. Frances Mary Winifred (Southwell) Stourton, have issue a daughter, Magdalen Mary Charlotte Stourton, born at 9, Hans Road, London, S.W., on the 19th of February, 1899, and baptized at St. Mary's Catholic Church, Chelsea, the 22nd of the same month.

~~~~~  
Charles Botolph Joseph, Lord Mowbray, Segrave, and Stourton, and his wife Mary (Constable), Lady Mowbray, Segrave, and Stourton, have issue a second son, the Hon. John Joseph Stourton, born at Allerton Park on March the 5th, 1899, and baptized in the chapel there on the 7th of the same month.

\* "Royal Meath Militia."

The details concerning the Rothwell Haigh estate which will be found on page 559 were extracted from a letter (dated the 24th of June, 1898) from Messrs. Bromet and Sons, of Tadcaster, solicitors to Lord Mowbray and Stourton. Since that date an undated survey of the estate has come to light, concerning which Messrs. Bromet and Sons write as follows under the date of March the 27th, 1899 :

"The Rothwell Haigh Inclosure was made in the year 1785.

In 1798 Charles Philip Lord Stourton leased to *Thomas* Fenton for the term of 21 years the Capital Messuage, (Haigh House) wherein he *Thomas* Fenton then resided, along with Lands containing in the whole 628 a. 3 r. 10 p.

A Survey of the Township of Rothwell was made in the year 1816 and the quantity of Lord Stourton's Estate was then called 1696 a. 0 r. 26 p. At that time *William* Fenton was tenant of the land previously occupied by *Thomas* Fenton. We think therefore the Book, which we return, was made prior to 1798; and your Lordship will observe that the Farms therein stated to be occupied, the one by James Fenton, 193 a. 3 r. 3 p., and the other by *Thomas* Fenton 439 a. 3 r. 20 p., are together only a few acres more than the Farm leased to *Thomas* Fenton in 1798.

The land called Rothwell, 1542 a. 1 r. 33 p., in the Book clearly includes what is now known as the Rothwell Haigh Estate.

We think therefore it is probable that the quantity of the Haigh allotted to Lord Stourton\* would be about 232 acres and this added to 1542 a. 1 r. 33 p. together 1774 a. 1 r. 33 p., seems to agree with the quantity stated in the Settlement of 1800 namely 1704 a. 0 r. 9 p. plus 70 acres previously sold to Mr. Fenton.

See our letter to your Lordship of the 24th June last year."

The following summary of the names of the tenants at Rothwell and Roundhay, and the acreage, is taken from the summary attached to the undated survey above referred to :

## ROTHWELL.

					a.	r.	p.
Mr. Butterfield	...	...	...	...	55	2	21
Mr. Kitching	...	...	...	...	22	2	12
Mr. Haste ...	...	...	...	...	22	0	22
Thomas Craven	...	...	...	...	128	2	29
Henry Houson	...	...	...	...	17	1	34
Mrs. Backhouse	...	...	...	...	43	1	10
Thomas Walton	...	...	...	...	98	3	23
Margaret Hulley	...	...	...	...	13	0	03
John Hudson	...	...	...	...	128	3	19

\* The property did not actually revert to Lord Stourton until 1794; consequently the allotment must have been to Lord Stourton's predecessor.

				a.	r.	p.
William Smith	...	...	...	211	3	13
Joseph Wigglesworth	...	...	...	71	2	38
William Massey	...	...	...	15	2	21
John Dickinson	...	...	...	26	2	25
Thomas Drewry	...	...	...	1	0	16
John Marshall	...	...	...	0	0	0
John Routh	...	...	...	1	0	21
Mr. James Fenton	...	...	...	22	0	0
Mr. James Fenton	...	...	...	193	3	03
Mr. Hatton	...	...	...	5	0	33
Mr. Thomas Fenton ..	...	...	...	439	3	20
Mr. Bettison	...	...	...	22	3	30

Total of farms	1542	1	33
Rothwell Haigh exclusive of gardens &c.	551	0	24
Lanes and wastes	9	0	32

Total	2102	3	9
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## ROUNDHAY.

Mr. Jn <sup>o</sup> . Simpson	...	...	...	160	0	38
Mary Dodgson	...	...	...	24	2	27
William Clarkson	...	...	...	18	2	12
Edward Ellerker	...	...	...	131	1	33
Mrs. Eamonson	...	...	...	201	2	04
Mrs. Jane Briggs	...	...	...	179	3	12
William Burrow	...	...	...	52	2	34
Joshua Hole	...	...	...	91	2	3
Thomas Hargreave	...	...	...	112	1	12
Matthew Norton	...	...	...	75	2	38
James Mallorie	...	...	...	73	3	21
Mr. Thomas Simpson	...	...	...	253	3	33
Woods	...	...	...	46	0	39

Total of the farms	1422	2	26
Roads &c.	18	2	14

Total	1441	1	0
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TOWNSHIPS COLLECTED.				a.	r.	p.
Rothwell	...	...	...	2102	3	09
Roundhay	...	...	...	1441	1	00
Total				3544	0	09

From the above figures it would appear that the total acreage was in excess of the figures mentioned on page 559, and it should be noted, also, that no reference is made to the property in the townships of Skircote, Eland and Greetland (see page 558), which is mentioned in the Deed of Gift.

The following summary of the Rothwell Haigh estate is taken from a survey dated 1860:

				a.	r.	p.
Carr, Mr.	...	...	...	12	0	5
Charlesworth, Messrs.	...	...	...	204	2	30
Fatkin, Ann	...	...	...	101	3	5
Locke, Charles	...	...	...	2	0	0
Marshall, Joseph	...	...	...	3	3	32
Marshall, Margaret	...	...	...		3	18
Oliver, Thomas	...	...	...	155	1	33
Parnaby, Edward	...	...	...	144	0	13
Ransley, Joseph	...	...	...	96	3	37
Robson and Bucktrout, Messrs.	...	...	...	64	2	23
Scholfield, Isaac	...	...	...	128	3	10
Smith, Ann	...	...	...	114	0	38
Smith, William	...	...	...	116	1	13
Stephenson, William	...	...	...	99	3	24
Trustees of Leeds and Pontefract Turnpike Road	...	...	...	0	0	16
Trustees of Leeds and Wakefield Turnpike Road	...	...	...	0	0	2
Webster, William S <sup>r</sup>	...	...	...	72	1	15
Webster, William J <sup>r</sup>	...	...	...	146	0	14
Charlesworth, Messrs., Colliery	...	...	...	13	1	28
In hand	...	...	...	6	2	23
Total of estate				1,484	1	19

With reference to the statement concerning the Allerton estate on pages 583 and 723, it should perhaps be noted that Allerton Mauleverer and Hopperton are two distinct townships, though taken together for administrative purposes—the two together form the parish of Allerton Mauleverer with Hopperton. Coneythorpe and

Clareton are also two distinct townships (as described), though these are joined together for administrative purposes as Clareton-cum-Coneythorpe.

The *London Gazette* of Tuesday, March the 28th, 1899, contained a notice of the following appointment :

"YEOMANRY CAVALRY, *Oxfordshire (Queen's Own Oxfordshire Hussars)*. Herbert Marmaduke Joseph Stourton, Gent., to be Second Lieutenant. Dated 29th March, 1899."

### A LIST OF THOSE KNOWN TO BE IN REMAINDER TO THE BARONY OF STOURTON IN THE YEAR 1899.

The Right Hon. Charles Botolph Joseph, Lord Mowbray, Segrave, and  
(21st Lord) Stourton.

1.	The Hon. William Marmaduke Stourton, born 1895	...	...	See page	722
2.	The Hon. John Joseph Stourton, born 1899	...	...	" "	1078
3.	The Hon. Alfred Edward Corbally Joseph Stourton, born 1872	...	...	" "	718
4.	The Hon. Nigel Roger Plantagenet Joseph Stourton, born 1879	...	...	" "	718
5.	The Hon. Edward Plantagenet Joseph Stourton, born 1880	...	...	" "	719
6.	Everard Joseph Stourton, Esq., born 1864	...	...	" "	703
7.	The Hon. Albert Joseph Stourton, born 1835	...	...	" "	705
8.	Auberon Joseph Stourton, Esq., born 1867	...	...	" "	705
9.	Herbert Marmaduke Joseph Stourton, born 1873	...	...	" "	705
10.	Ernest William Joseph Stourton, born 1875	...	...	" "	705
11.	Rudolph Henry Joseph Stourton, born 1881	...	...	" "	705
12.	Arthur Joseph Stourton, Esq., born 1841	...	...	" "	690
13.	Reginald Norman Joseph Stourton, Esq., born 1877	...	...	" "	691
14.	William Joseph Stourton, born 1842	...	...	" "	691
15.	Rev. Joseph John Stourton, born 1845	...	...	" "	691
16.	John Marmaduke Joseph Stourton, Esq., born 1847	...	...	" "	691
17.	Sir William Edward Joseph Vavasour, Bart., born 1846	...	...	" "	635
18.	Leonard Pius Vavasour, Esq., born 1881	...	...	" "	636
19.	Bernard Joseph Vavasour, Esq., born 1886	...	...	" "	636
20.	Oswald Hugh Stanislaus Vavasour, born 1848	...	...	" "	637
21.	Oswald Joseph Stanislaus Vavasour, born 1883	...	...	" "	638
22.	Edward James Marmaduke Vavasour, born 1886	...	...	" "	638

23.	John Wilfred Leonard Vavasour, born 1891	...	...	...	<i>See page</i>	638
24.	Hubert Philip Anthony Vavasour, born 1895	...	...	...	" "	638
25.	George Raphael Tobias Vavasour, born 1898	...	...	...	" "	638
26.	Henry Dunstan Vavasour, born 1850	...	...	...	" "	639
27.	George Marmaduke Vavasour, born 1891	...	...	...	" "	639
28.	Rudolph Dunstan Vavasour, born 1894	...	...	...	" "	640
29.	Henry Joseph Grattan Langdale, Esq., born 1853	...	...	...	" "	661
30.	Rev. Marmaduke Joseph Langdale, O.S.B., born 1861	...	...	...	" "	661
31.	Captain Philip Joseph Langdale, born 1863	...	...	...	" "	661
32.	Francis Joseph Langdale, born 1866	...	...	...	" "	662
33.	Charles Adrian Joseph Stourton Langdale, born 1874	...	...	...	" "	664
34.	Edward Francis Joseph Stourton Langdale, born 1884	...	...	...	" "	665

No others are at present known to exist within the limitations of the Peerage, though it is not impossible that there may be male descendants of the following :

James Stourton	...	...	...	...	...	<i>See page</i>	508
William Stourton	...	...	...	...	...	" "	497
Thomas Stourton	...	...	...	...	...	" "	454
Charles Stourton	...	...	...	...	...	" "	415
Philip Stourton	...	...	...	...	...	" "	317
Charles Stourton	...	...	...	...	...	" "	317
Thomas Stourton	...	...	...	...	...	" "	317
Henry Stourton	...	...	...	...	...	" "	319
Francis Stourton	...	...	...	...	...	" "	319
Thomas Stourton	...	...	...	...	...	" "	319
Matthew Stourton	...	...	...	...	...	" "	319
James Stourton	...	...	...	...	...	" "	320
Thomas Stourton	...	...	...	...	...	" "	320
John Stourton	...	...	...	...	...	" "	320
John Stourton	...	...	...	...	...	" "	322
George Stourton	...	...	...	...	...	" "	322
Giles Stourton	...	...	...	...	...	" "	322
Thomas Stourton	...	...	...	...	...	" "	301
Hercules Stourton	...	...	...	...	...	" "	301
(?) Ralph Stourton	...	...	...	...	...	" "	239
(?) John Stourton	...	...	...	...	...	" "	239
(?) Richard Stourton	...	...	...	...	...	" "	240
Sir Reginald Stourton	...	...	...	...	...	" "	206

## THE LANGDALE FAMILY.

Whilst in no way attempting to give a history of the original Langdale families, the following details, some of which relate also to the Stourton family, will probably be of interest. They are taken from a letter from Edmund Bishop, dated the 2nd of June, 1888, and written from St. Gregory's, Downside, Bath, to the Rev. Marmaduke Joseph Langdale, O.S.B. The latter, in sending the letter on for the purposes of these volumes, writes, also from Downside: "Enclosed I send for your perusal a letter written to me some 10 years ago by my friend Edmund Bishop a great antiquarian who at that time was living here. It is supplemental [?] to a] pedigree of Langdales and Stourtons chiefly the former but there is nevertheless a good amount about the latter also which may be, possibly, new to you and worthy a place in your history. In former times it was usual to omit entirely from family records the name of any child that went in for the Church, penalties being heavy prudence dictated such a course."

Downside, 2 June 1888

"My dear Brother Odo,\*

Pas "*toujours perdrix*";—There is really a great deal to tell you about the Lady Chapel, the building, the bosses and so forth. But in my last letter I told you something about these matters; and let us have a little variety. I want it myself; for I have made one copy of my inventory and am nearly midway through the second,—and stop for a little breath, or change; after a time. *Chasuble d'etoffe glacée en argent*" or "*de velour cizele*," or "*damas cramoisy, galons en or, frange de même*," on and on and on over and over and once again,—all this is apt after a time to pall; and even the patientest creature may fairly seek a little change. Let us then turn from one dry as dust heap to another—from Church inventorying to pedigree scraps. Now, how shall I set to work? One way is just to make out a tree marking the lines you sent me in black and additions thereto in red.† I've done that already for my own satisfaction. But I feel in a gossipy mood today; and orthodox pedigreeing does not admit of gossip. So I think we will do otherwise, take your ground work bit by bit, and annotate it as we go along; sometimes perhaps making a little excursion hither and thither a little far a field. But perhaps you will not mind that,—as you have time to spare.—You see the paper gives you warning I am not going to limit myself if the spirit bids me wander. It's the "inventory" paper I am using; and you know there is virtue in pen and paper; & one scribbles so much the more easily when one has become accustomed to one's tools.

Allons.

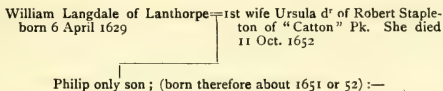
\* The name of Odo is his name "in religion."

† This is herein given effect to by printing in italics the parts of the tabular pedigree which appear in red ink in the letter.

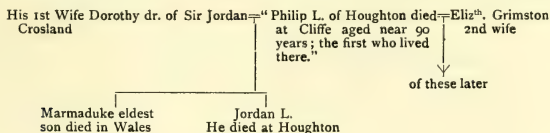


Let us start with that William Langdale. (Generation R. in the pedigree.) The husband of four wives; who was born 6 April 1629 (as the extracts from the parish register at the end of "proofs of pedigrees" tell us) & who had £1500 a year in Lanthorpe. Thanks evidently to his worthy great uncle Marmaduke.

As to his 1st wife Ursula daughter of Robert Stapleton I cannot find out from the Stapleton pedigree in Foster's Yorkshire Pedigrees who she was; perhaps that information may be given in his tree of Langdale (& much else that follows); as I've not access to the book itself but only to a few loose sheet pedigrees the author gave me, I am here at sea & must content myself with remarking that the names Robert and Ursula occur very frequently in the Myton branch of the Stapleton family. We have then.—



We will first follow out the descendants of this Philip, sole issue of Wm. L. & Ursula Stapleton and then go back for the other descendants of Wm. L.



So the Pedigree.—

The records of Cambray Convent (now Stanbrook) gives us some information as to the *mother* of Dorothy Crosland and as to her *daughter* of which latter the Pedigree says nothing.—

"1693, Aug<sup>t</sup>. 3. Entered our convent my Lady Dowager Crossland (widow of Sir John [read Jordan E.B.] Crossland, Knt.) to lead a retired life, with her two grandchildren Dorothy Langdale aged 16 who afterwards was professed here, as Dame Constantia; and Joanna Crossland; for the school; which she in due time quitted to return to her friends" (Foley's Records S.J.) II 338-9 From another passage (ibid) it appears that Lady Crossland died at Cambray & was buried in the nuns' Cemetery.—

Of Dorothy (Dame Constantia), Snow's Necrology (p. 208) says. "Born 1677 profd. 1695; died 28 Jan. 1760,"—a good age, 83; and prof. 65 Dame Constantia occurs continually in Dr. Howard's Account Books; first of all she used to receive a yearly present of £3. 3 from her kinsman Lord Langdale; other presents came in from various quarters., Lady Stourton, Mr. Stourton"; her brother Jordan; e.g., "1748 Apr. 23, £6. 6 from her brother," & so on.

And these presents—wherefore? To judge by the practice of the Rev. Dames of Dunkirk,—the Benedictines, not the excellent Franciscans (I mean no reflection)—they were most welcome for procuring little commodities such as gloves and snuff; these were at least the desiderabilia of the Dames Caryk as appears from the many (& grievous but good) letters of these ladies to their nephew John Baptist C., last of that name,—letters now at the British Museum, which once on a time I copied all out. But Dunkirk was a cold, exposed place.—What may have been D. Constantia's *menus plaisirs* the accounts do not show; I only recollect such practical items as mending spectacles, or the purchase of a little book of prayers.—

The Register of Estates of Catholics in the year 1715 (or 16) recently reedited by the late Canon Estcourt and Mr. Orlebar Payne of course gives information about Philip Langdale. Here is his entry. (Page 301)

"Philip Langdale, Esq.—Life Estate at Houghton charged with £40 p. ann. for education and maintenance of Dorothy and Anne Langdale, his granddaughters, the daughters of Marmaduke Langdale deceased.—Estate at Northcliffe. *Yearly val. of estate* £1,697. 4. 4  
&c. charged with annuities of  
£18 to Mrs. Bridget Langdale  
& £20 each to Dorothy  
Margaret  
Ursula  
Joseph  
& Elizabeth Langdale"

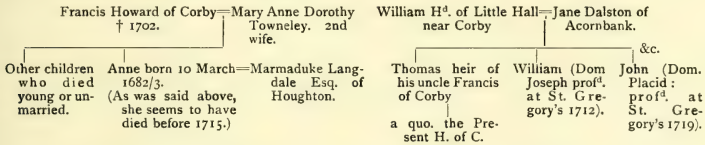
From this it appears that his eldest son Marmaduke died before 1715; & as this latter's widow is not mentioned (but only his 2 daughters) it is to be presumed she was also dead at this date, otherwise some charge, annuity, w<sup>d</sup>. have doubtless appeared.

His daughters Dorothy and Anne you will see are both in the pedigree.—But who are the 6 Bridget Dorothy etc?—If you will look at the Pedigree you will see that Joseph and Elizabeth are mentioned as the children of Philip Langdale by his second wife,—they are doubtless the two last in the foregoing list. Dorothy again must doubtless be Dame Constantia. The conclusion then is that Margaret and

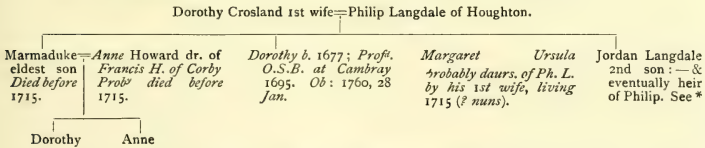
Ursula are also daughters but whether by P. L's 1st or 2nd. wife does not appear ; & as nothing is known of them otherwise and they do not appear in the pedigree they were probably nuns ; & I dare say could be found in one of the Convent lists which I do not possess.

Remains Bridget ; you will notice her annuity is £18 whilst those of Ph. Langdale's children were at the rate of £20 a year. I suspect then she was Sister Bridget Langdale O.S.F., half sister of Philip, of whom by & by later in dealing with the descendants of William Langdale of Lanthorpe by his wife Frances Tempest.

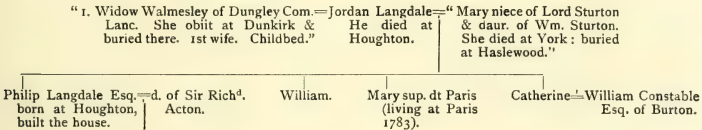
As regards the wife of Marmaduke eldest son of Philip, said in the pedigree to be "..... daughter of Mr. Howard" she was of the Howards of Corby and 1st Cousin of Fr. Placid Howard, whose account books now at Downside I so often refer to ; here is the skeleton pedigree :—



We can now extend the fragment of pedigree given above thus :—



\*To come now to Jordan Langdale 2<sup>nd</sup> son of Philip, who carried on the line. The Pedigree gives the following :—



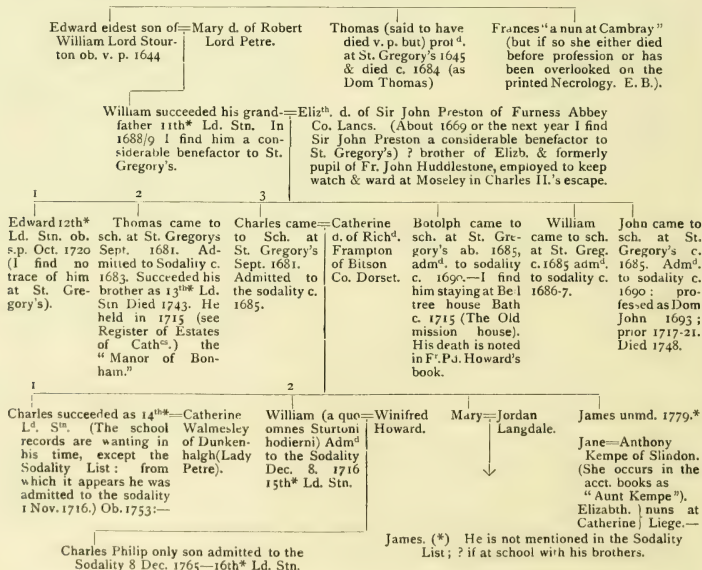
This as will appear is very imperfect :—

From Gillow's Bibliographical Dictionary Vol. III. p. 163 it appears that

Jordan Langdale's 1st wife was Dorothy dr. of John Danby of Crofton C<sup>o</sup>. Lancs. & relict of William Walmesley of Lower Hall, Samlesbury C<sup>o</sup>. Lancs.

The Cambray notes (in Foley Records S.J. VI 339) have the following entry : " 1716 Nov. 18 came Mrs. Langdale to the father Confessor's apartment where she died Nov. 23rd in her Confinement. She and her son are buried in our burying ground, in her grandmother's My Lady Crossland's grave." This is doubtless the first wife of Jordan L. who in the pedigree is said to have died at Dunkirk (an easy slip on the part of an old lady of 88, if the information came from Elizabeth daur. of Philip, as the pedigree itself says) ;—" Her grandmother's"—her husband's grandmother.—

Now for the second marriage of Jordan Langdale, and a little slip of Stourton Pedigrees :—I am half tempted to take it up a little higher to complete the ordinary accounts ; though where shall I stop for there is no name that occurs so frequently in the old account books and such scraps of other old Gregorian Records as still remain. I will try & though beginning far back yet to be moderate, prudent, severe ;—& add some intimate items to what is commonly known.



\* The recent discovery of the existence of Francis 4th Lord Stourton renders the whole of these numbers incorrect, each being one less than should be the case.

Although Jordan Langdale must have been a man of middle age at his second marriage he can hardly have been 60 when the Gregorian account books begin again ; but it is curious that the whole care of the education of his children seems to have devolved on their mother's brother William Stourton. "Mr. Langdale" is not infrequently mentioned but only in reference to small gifts to his sister or pocket money for his boys. The last item with his name is a payment of 1 July 1755 "for y<sup>e</sup> 3 Langdales from father £1. 1. ."; at that time he must have reached *more Langdaleorum* a good old age ; he seems to have died between this date and 1759,—I dare say in Santon\* Church may be his monument ; I can only go by record scraps at hand.—

His widow was still living May 1764 when was sent a present to her son Charles, then apparently a dashing young officer & in the service of "Prince Brunswick Wolfenbitttle" as Br. Foley, after Bigland, has it—

The issue of this marriage were 6 sons (all educated at St. Gregory's, Doway) and three daughters.

I. Philip eldest son and heir ; died 14 June 1814 aet. 90 ; born therefore 1724 or 5. At what date he entered the school at St. Gregory's I cannot say as the account books only begin in 1738. He was admitted to the Sodality Sept. 1741 ; & he seems to have left school either the following Christmas or the next year. From some very obscure entries it seems possible that he might have been at one time at the Scotch College, Doway, and was moved thence to the Benedictines. He was apparently still abroad 1 Jan. 1744 when "Lady Petre" (i.e. doubtless his aunt by marriage widow of L<sup>d</sup> Petre & wife of Charles Ld. St<sup>n</sup>) sent him a new years gift of £10.—

II. Marmaduke. He came to school 26 Aug. 1742 ; was admitted to the sodality 5 Dec. 1743 ; left school July 1745. On leaving he seems to have gone to Bruges ; he is nowhere ment<sup>d</sup> later. ? died young.—

III. Charles : he came to school 26 July 1746. The only one of the 6 brothers who did not enter the Sodality. He left in January 1748. His name frequently occurs in the accounts. He was in Germany certainly in 1764 ; remittances were made to him by his uncle Wm. L<sup>d</sup>. Stourton through Abbot Heatley of Lambspring ; his health seems to have broken down, and in 1772-3 he was at the Pymont Waters. Subsequently he seems to have retired to Lambspring & was there living as a boarder in 1776. Bigland's note that he was "Captain under Prince Brunswick Wolfenbitttle" is probably correct enough in substance.

\* This is evidently a mistake for Sancton.

IV. Jordan, the 4th son came to school at the same time as Charles; he was admitted to the Sodality 8 Sept. 1747; he never left St. Gregory's; received the habit "entre sept. et 8 heures du soir Dimanche le 5 Octobre l'an de mon age 16 An. D. 1749" as he writes in the *Liber graduum* & was professed 14 Feb. 1751.—He died 15 Aug. 1760 aet. 27. The following is a facsimile of his autograph act of reception of the habit,—a clear and formed hand for one so young.—

*Je Jacques Maur, autrement Jordan Langdale,  
fils de Jordan Langdale, natif de la province  
de York,*

Bigland's note (in Foley, Records S.J. VII 434) shd. be "one *formerly* a Monk at Douay; he had been already dead 11 years when it was written.

V. James 5th Son came to school July 1753; admitted to the sodality 13 July 1756; left school 1758. I find nothing of him later. Another James Langdale is mentioned long after; but this is evidently some one else.

VI. William; came to school with his brother James; admitted to the sodality 8 Dec. 1757. Seems to have been still in the school in 1761. He is frequently mentioned in the accounts and was still living in 1789. But I cannot make anything clearly out of the entries which seem somewhat contradictory. I sh<sup>d</sup> hardly conclude that he, at least, could be the "Merchant at Liège" of whom Bigland speaks.

Of the daughters:—

I. Mary. Are we to gather from the words of the pedigree "Sup. at Paris" (or is "sup" superstes?) that she was superioress of one of the English communities at Paris? In that case as she was neither at the Benedictines or Blue Nuns, she must have been prioress of the Augustinians; of these last I have no list unfortunately.

II. Catherine=Wm. Constable Esq. of Burton, says the Pedigree which however takes no notice of a third daughter, viz.

III. Margaret of whom there are the following notices in the diary of the English Blue Nuns (Conceptionists) at Paris, of which I have a copy:—

"On the 8th (June 1739) Miss Margaret Langdale came to School."

"On the 17th (Sept. 1742) Miss Margaret Langdale . . . received the habit and name of Mary Frances."



"On the 21<sup>st</sup> Nov. [1743] sister Mary Frances Langdale . . . made [her] profession being 18."

"On the 17<sup>th</sup> Nov. (1755) our dear sister Mary Frances (alias Margaret Langdale) died of the small pox. She was daughter of Jordan Langdale Esq. of York and Miss Mary Stourton of Somersetshire & was born at Cliffe in Yorkshire. She was only in her 30th year."

She was born therefore 1726. Her name occurs not infrequently in Fr. Howard's accounts. e.g. 1752 Nov. 2. from Mr. Phill. Langdale for his sister Paris £2 . 2 . —

1743 Jan. from Mr. John Stourton (i.e. Dom John O.S.B.) for the use of Miss Margaret Langdale £250. — . —

1752 Dec. 10 Rec<sup>d</sup>. of Mr. Langdale for his sister at the Blue Nuns £2 . 2 . —

1754 Mar. 4 }  
1755 Jan. 25 } gifts from Lord Stourton for Miss Langdale at Paris.

We can therefore, reconstruct this portion of the pedigree as follows :—

Jordan Langdale, of Houghton, Esq. = Mary, daughter of Hon. Charles Stourton (See for him the Register of Estates of Cath<sup>cs</sup> 1715 p. 42).

1	2	3	4	5	6			
Philip eldest son & heir. Ob. s.p. 1714 supers <sup>d</sup> . 1814 born ab <sup>t</sup> . 1724-5.	Marmaduke ? born c. 1728-9 or earlier Living July 1745.	Charles Cap- tain &c. (Bigland 1771) Living at Lamb- spring 1776.	Jordan born 1733 (Dom Maurus) O.S.B. Greg. ob. 1760.	James living 1758.	William Living 1789.	Mary "Sup.at Paris" Living 1783. <sup>b</sup>	Catherine = W <sup>m</sup> . Con- stable Esq. of Burton.	Margaret born 1726 —Blue Nun at Paris; died 1755.

(I have just come across the information that Sir Richard Acton whose daughter he married was a convert.)

Mem<sup>m</sup>:—Bigland's notes, made in 1771 in Br. Foley, vol. vii. p. 434 mention these 5 sons

- |             |                  |  |
|-------------|------------------|--|
| 1. Philip.  | Of these we know | 1. Philip.   |
| 2. Charles. |                  | 2. Charles.  |
| 3. John.    |                  | 3. John is evidently a mistake for Jordan.   |
| 4. William. |                  | 4. William.  |
| 5. James.   |                  | 5. James (probably the "Merchant of Liege," it that inform <sup>n</sup> . be correct). |

Marmaduke inserted by Bro. Foley is out of place & belongs as will be seen to another part of the pedigree. This Marm<sup>d</sup>. S. J. was born 1748 : and of course is not the Marm<sup>d</sup>. above, 2<sup>d</sup> son of Jordan who at that date had left school.

And here I am disposed to break off for a moment to say a word or two as to the uncle of this long generation who acted towards them the part of guardian and parent. I told you once before how much interest was thrown into the dry and tedious labour of reading & excerpting the old volumes of accounts by the light they throw on the character and personality of many who are mentioned in those pages. Men in the position of Fr. Placid Howard or his Companion & successor Fr. Bede



Bennet, were not merely procurators of the province, Agents in England of St. Gregory's, but evidently the friends, advisers, helpers in things great and small of Catholics, religious and secular, lay and clerical,—a wide circle of relatives, connexions, friends, benefactors. Consequently these books are full of details about all sorts of persons; Matters ranging from the registering of estates, wills, and marriages, & portions, down to the purchase of needles and knives, all passed through the hands of such Confidential agents. Did Lady Swinburne want some lace, or "Matt" some cambric, or "my nephew" ruffles, there was no readier way than to turn to Fr. Placid, who in his turn was sure to find reliable help among his friends the English Benedictine Dames at Cambray, or his many kinswomen at the Teresians at Antwerp; for fervent and holy as this community ever was "my sister Bridgett's" or "my niece Betty's" keen judgement on Mechlin point or Valenciennes had not been dulled by long residence in the Cloister. It would be singular indeed if, in such circumstances, we could not gather some notion from these accounts of the character and habits of one whose name so continually recurs in them as that of the 15th\* Lord Stourton. In fact, they do give a very definite idea of the sort of man he was;—one who lived for others, always thinking of those about him, near and dear to him; we have a perpetual record of acts of kindness; he forgets no one; not prodigal, but always generous; giving evidently not merely by purse, but also by himself, his time, his thought, his care. Religious through and through;—of this there are direct evidences that I need not dwell on.—

This being so it came like a wonder to find among accounts with Antwerp, where Fr. Placid went in the autumn of 1749, the following items:—

"for Mr. Stourton 6 pairs of stockings	£3. 17. 3."
"Ditto Ruffles	6. 13. 3."

I stared—what! Surely Dom John cannot have become a dandy in his old age!—for "Mr. Stourton" par excellence in the a/cs is the monk; who by the way after stoutly championing St. Gregory's in difficult times as Prior, & having set the unfortunate house of St. Edmunds into order too, had passed to the mission, the sweets of which seem not to have been much to his taste & he had retired to be Confessor of the English Teresians at Antwerp. See how the old fancy of imagining he was connected with this finery involuntarily arose. Then I bethought me that on 11 Oct. 1749 William Stourton took to himself a wife:— This is the explanation of such unwonted vanities—& here we have some bridegroom's gear. I made myself up a further little romancing which was dissipated on noting that Fr John died in April 1748

\* He was really the 16th Lord Stourton.

(? 1749)\*; but still, seeing that both must have been perfectly alive to near possibilities of the extinction of both their houses (see the trees of Stourton & Howard of Corby), I can't divest myself of the fancy that these two old men, Fr. Flacid & Fr. John, were not wholly strangers to that treaty of alliance whereof the aforesaid items are sign and remembrance.— Well, well, The nephews and nuns and pensioners and the rest did not fare the worse for these vanities & nobody's pocket money (a very common item) was a penny the less.

Little less than 4 years later is an entry which tells its own tale :—

“ From Lord Stourton at y<sup>e</sup> death of his Lady (to be sent to Mr. Sheppard) ”  
(Mr. Sheppard then prior at Doway).—

To hark back :—of the descendants of Philip Langdale the elder by his second wife Eliz<sup>th</sup>. Grimston there are but two remarks to make :—

- (1) That his children Elizabeth and Joseph are both mentioned (as stated page 2 above) in the List of Catholics 1715.
- (2) That Philip son of Joseph by his first wife was admitted to the Sodality at St. Gregory's 5 Feb. 1732.—I do not find any reference to him in the accounts; the “ Philip Langdale ” occurring therein being, as is clear from the context, Philip son of Jordan.—

Yet a third :—

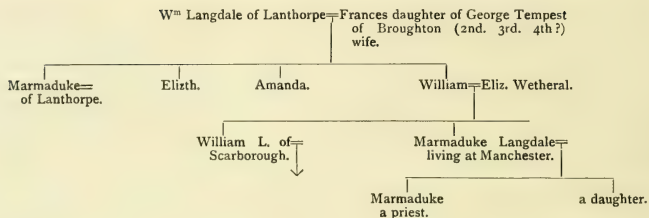
(3) in Bro. Foley VII 434. Winefrid daughter of Joseph is mentioned as having married “ Victor Repinder,” Bigland's notes are so wide of fact that little reliance can be placed on his statement. But that there was such a person as “ Victor Repinder ” is clear from an entry of Fr. Placid Howard under the date of

“ 1st. July 1759 Received of Mr. Wyburne for one Victor Repinder £10. 10. (“ Mr. Wyburne ” was formerly prior of St. Edmund's, Paris, & then living in London, Provincial of the South. From his account book I have read it appears that his circle of friends met Fr. Placid's at hardly a single point. So far as the entry goes it hardly confirms Bigland's statements; Repinder seems to have been living at Doway or in the neighbourhood.—

Now for the descendants of William Langdale of Lanthorpe & his (2nd., 3rd., 4th ?) wife, Frances Tempest.

There are three fragments of schemes on your pedigrees; and they are, as they stand, irreconcilable. I conjecture they should be pierced together thus :—

\* See page 511, where the date of his death is correctly given as the 3rd of October, 1748.



First as *to the sons of William & Frances* :—

In the "Accounts of Students" at Lamspring (MS. in the archive room here) are the following entries :—

"Marmaduke Langdaille came hither ye 7th of July 1685 . . . is to have I think £15 per annum see Mr. Smeaton's letter," &c. . . &c. . .

That these were brothers appears from the fact that the accounts are kept under one heading, viz. on the leaf assigned to Marmaduke, and from the definite statement in this entry :—

"For 2 years viz. from July 1685 till July 1687 due for him *and his brother*."

The exact date of their leaving Lamspring is not clearly stated. Marmaduke was in Bremen (? on the way to or from England) in 1690; both seem to have been still at School up to June 1691. Nothing appears of them later.

I ought to explain that the School at Lamspring was an aluminate rather than a School in the ordinary sense.

That these are the Marmaduke & William, sons of W<sup>m</sup>. & Frances, there can be no doubt. It may be conjectured that they were born about 1671-2 *at earliest* (-13 or 14 on going to Lamspring).—

*For the daughters.*

The list of Franciscan nuns at Dunkirk has these entries.—

Sister Elizabeth Peter Langdale ; professed 29 Feb. 1687  
died 23 Jan. 1748 æt. 80  
(born therefore 1668)  
(prof<sup>d</sup> 61 years: the list says 13th year of  
jubilee)

Sister Amanda a Jesu Langdale; prof<sup>d</sup>. 6 Aug. 1690 died 5 Jan. 1731, aet. 58.  
(born therefore 1673)

In the list of Catholics 1715 ed. Payne pages 302 are the following entries :—

Anne Langdale of Langthorpe widow ; annuity out of Langthorpe and South Skirlaugh £30.—,—

William Langdale of Langthorpe, Esq. Estate there &c.  
in fee subject to £30 annuity to his sister (in law E. B.) Anne  
Langdale, widow, and of £600 to his nieces Anne & Elizabeth  
Langdale. £183. 15. —

First I must get out of the way the mistaken conjectures of Payne on these entries :—

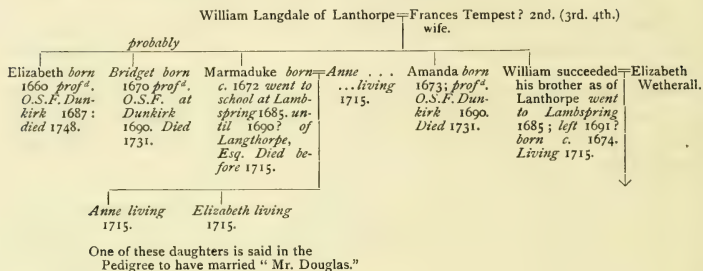
He conjectures that Anne Langdale of Langthorpe is the widow of Marmaduke eldest son of Philip of Houghton (i.e., Anne Howard) That this is not so is clear (1) from the description "of Langthorpe"; (2) From the name of her brother-in-law "William"; (3) from the name of her children Anne & Elizabeth; whilst from the same List of 1715 it appears that the daughters of Marmaduke were named Dorothy & Anne.

Next, Payne thinks William Langdale of Lanthorpe was "probably a son of Philip Langdale of Houghton"; But Phillip had only 2 sons, Marmaduke & Jordan Besides, Langthorpe did not go to Philip.

From these two entries in the List of 1715 it may be gathered :—

- (1) That by that date Marmaduke, the elder son of Wm. L. & Frances Tempest was dead.
- (2) He had married Anne . . . . . &
- (3) left only 2 daughters, Elizabeth & Anne; &
- (4) That the Estate of Lanthorpe has passed to his younger brother, William.

We may therefore reconstitute this part of the pedigree thus :—



How further to proceed with the descendants of William Langdale of Lanthorpe, I do not quite know, but I presume that he was father of

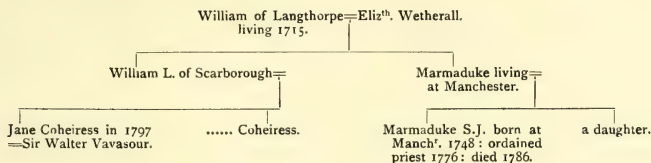
1. William L. of Scarborough. ? The Father of Jane, Coheirress of Lanthorpe, who in 1797 married Sir Walter Vavasour.
2. Marmaduke Langdale of Manchester. At this point Bro. Foley comes in opportunely with his notice of Fr. Marmaduke Langdale S.J. though his "probably son of Philip Langdale Esq. & his wife a daughter of Lord Stourton of Stourton Castle" is of course *toto Cælo* wrong. But the following from the Records of the Society is to be taken as wholly reliable confirmation of this part of the pedigree :—

"Born at Manchester 28 Oct. 1748. Entered the Society Sept. 7, 1766. Was Master of the "Little College" Bruges at the time of its suppression 1773. Ordained priest at Cologne 24 July 1776; soon after sent to the Wigan Mission which he served until his death there 3 Nov. 1786 aet. 38." (vol. VII. p. 434)

Curiously enough, there was a Marmaduke Langdale who came to school at St. Gregory's July 1764; was admitted to the Sodality 8 Dec. 1765 and left School in July 1766; whom one might be tempted to identify with the Marmaduke S.J.—But this is not so; he was son of the famous distiller of Holborn Bridge, who quenched the Gordon Riots.—(By the way there is a vivid description of this terrible episode in one of the old Cath<sup>e</sup> periodicals, The Cath<sup>e</sup> Magazine, or the Catholicon—or—some serial of that sort :—a man evidently capable and canny: having had the sense to see how his stores could be more potent to quell the rioters than King

and Lord Mayor, he took his ruin with great calmness ; and when there was talk of indemnity, he waved it aside magnanimously, & only asked to be allowed to distil duty free for a limited period. The favour was readily granted ;—and he made a great fortune, which more than covered his losses by far. But back once more).—

Here is the further conjecture.



There is still a nun whom I can't place ; viz :—

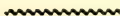
Sister Mary Chrysostom Langdale ; professed O.S.F. Dunkirk 25 March 1735.  
died 3 Dec. 1736 Aet. 19  
(Born therefore 1717).—

This beats me quite. Is it a daughter of Joseph Langdale ? Who ? Besides ; in the Doway accounts of 1770 & after there many more of the name. William and Thomas, and James, " Miss Langdale " " Mary " " Nancy " " Kitty."—daughters at school at the Abbaye des Prés at Doway, & so on.

But all these I dare say may be found duly ranged in Foster's Pedigree ;—they flit lightly through the books here ; & my only business is to put together such fragments as the records at hand in Downside may offer to illustrate the pedigree you sent me.

I release you. I wonder whether you will have the patience to read me.

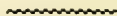
Yours most truly  
(Signed) Edmund Bishop."





In addition to the various extracts from Aubrey's notes which have been printed hitherto the following will doubtless be of interest :

" Among the class of impostors called ' Abraham Men,' who in Elizabeth's reign told pitiful stories of the cruelties they had suffered in Bedlam, one is mentioned of the name of Stradling, a knave who pretended to have been a servant to Lord Stourton, and to have gone mad for grief at his execution : ' He fell first into a deep pensiveness, and then for a year or more lost his wits. Lastly he was taken with a marvellous palsy, that shook both head and hands'" (Greene's "Groundwork of Coney Catching").



In describing the armorial devices and monuments in Stourton Church, most of which have been already alluded to, Aubrey mentions the following in the Stourton Aisle or Chapel :

*Stourton Aisle.*

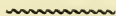
" In the windowes of this chapell are good painted figures of Saints : and a Stourton kneeling in his coate of armes, with a collar of SSS about his neck ; and these scutcheons :

Stourton impaling Wrotesly ; Stourton single, supporter on either side an Antelope Arg. horned O.

Stourton single. Over it, a Crest, a Dray Or.

In which East windowe is, in the limbe (margin) thereof, this inscription, viz. :

..... statu dni ..... de Storton et dnc Thomasine' co : ..... a dni  
M ..... viii. (gone)."

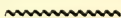


In speaking of the armorial devices set up in St. Peter's Church, Stourton, Co. Wilts, Aubrey mentions the Stourton crest of the demi-monk, and gives this legend concerning its origin. In Aubrey's original manuscript a pen has been drawn through the account, and the Editor adds that this was probably done by Aubrey himself. Whether this be so or not is by no means certain, and perhaps the legend ought to be at once relegated to the category of the many fabulous stories invented in earlier times to explain the armorial bearings of almost every family. Certainly the story can never have been true of the Stourton family, who undoubtedly assumed the crest in consequence of their descent and inheritance from the House of Le Moigne. In fact, it is pretty generally accepted that the demi-monk was originally the Le Moigne crest, adopted subsequently by the Stourton family in

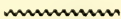


place of the earlier crest of an antelope's or stag's head, or of the sledge or drag which they had previously used both as a badge and as a crest, and which is still, as has been related, used as the badge of the Lords Stourton. But, credulous as Aubrey was, he could hardly have invented the story himself, and it may, possibly, really have some foundation in fact. The Le Moigne family, sometimes known as the Monk family, bore the crest doubtless as a pun upon their name, for such was the origin of most early armorial bearings, but there is no reason whatever why the Le Moigne or Monk family may not have owed their *name* originally to some such episode, and retained the recollection of it as a family legend. The subsequent selection of the demi-monk as a crest when such an ornament was adopted was, as a consequence of the legend, quite a natural result. However, the legend, for what it may be worth, is given hereunder in Aubrey's words, and must be, at the very least, over two centuries old :

"I have heard one say that the issue male of this Family being all extinct, except a brother who was a White Friar, the Pope granted a dispensation of his vowe, and that he should quit his Convent, and marry to continue the line of the Family ; which accordingly he did ; and in such cases the brother that so departs, is to runne the gauntlet, as the soldiers term it, that is, all the Fryars put themselves into two ranks, having every one a penitential whip in his hand, and the dispensed Fryar runnes through, every one giving him a lash. (In the original MS. a pen has been drawn, probably by Aubrey himself, through this 'hear-say'.) Before, the crest of this Family was a Dray."



The Hon. Mrs. Smythe (the Hon. Eleonora Stourton, see page 694) is now (1899) living at Stewart's Hotel, Richmond Hill, Bournemouth, where she has resided for about 9 years.



Applications for assistance on the plea of relationship having been made on several occasions to Lord Mowbray and Stourton and various members of his family by a certain Miss Sophia Stourton, it has seemed well to investigate the claim of kinship put forward.

Two evidently genuine letters from William Joseph, 18th Lord Stourton, have been produced. One, dated October 30th, 1821, from Payne's Hotel, Lower Brook Street, refers to an appointment in the War Office which had been apparently obtained by the previous Lord Stourton for Mr. Joseph Huddleston Stourton, the great-uncle of

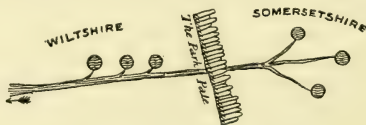
Miss Sophia Stourton. The other, dated from Holme, June 7th, 1816, acknowledges the receipt of a letter of sympathy or condolence to Lord Stourton following upon the recent death of his father, and in this latter the following sentence occurs :

“In acknowledging your tribute of gratitude to my departed Parent ; as a member of my family, I am glad to hear that any Services, he was able to render you, had proved effectual.”

Miss Sophia Stourton is also in possession of an elaborately illuminated pedigree on vellum, evidently drawn up and executed about the middle of the 17th century, in which the descent of the Lords Stourton is deduced from common ancestors with the Nottinghamshire family of Stourton of Stourton-in-the-Clay, an ancient family of considerable position in that county. The descent of the Lords Stourton as set out in the vellum pedigree in question is most inaccurate, but the *latter* portion of the pedigree of the Nottinghamshire family agrees substantially with the pedigree of that family, duly recorded in the College of Arms at the Visitations of the Counties of Leicester and Nottingham. These visitation pedigrees do *not*, however, show any connection with the Wiltshire family, though the arms and crest, whilst not identical, are very similar. From various wills which have been examined there seems to be no reason to question the fact of the actual descent of Miss Sophia Stourton from the family of Stourton of Stourton-in-the-Clay, but the question of her relationship to Lord Mowbray and Stourton must apparently depend upon whether the Nottinghamshire family does really derive from the Wiltshire house of the same name, a point which remains, and seems likely to remain, a mystery.



The following is a reproduction of the plan, sketched by Aubrey, showing the relative positions of the six wells at Stourton, Co. Wilts. Owing to the list of illustrations having been printed before it was decided to reproduce this sketch, neither this nor the following one will be found to be included therein :



The following illustration of the Stourton arms with two antelopes as supporters is reproduced from a sketch by Aubrey of these arms as set up in the windows of the Stourton Chapel in the Church of St. Peter at Stourton, Co. Wilts (see page 1098).



With reference to the statements on page 720 it should be noted that the present Lord Mowbray and Stourton is *both* heir-male *and* heir-general of the House of Stourton. It is almost unprecedented that at no point in the descent should a division have occurred.

The following printer's errors need correction :

Page 593, line 8, *read* 6th of May *for* 6th of June.

Page 705, line 1, *read* 1868 *for* 1866.

Page 718, line 15 *for* Elias *read* Elia.

Page 721, line 8, *read* (see page 713) *for* (see page 705).

Page 803, line 8, *read* 1444 *for* 1544.



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Elliot Stock, 62, Paternoster Row, London.





## THE NORFOLK EARLDOM.

### LORD MOWBRAY'S CLAIM FAILS.

The Committee of Privileges of the House of Lords assembled yesterday to give their considered judgment upon the rival claims of the Duke of Norfolk and Lord Mowbray of Segrave and Stourton to the Earldom of Norfolk, which was created in 1135 in the person of Hugh le Bigod. The Committee sat several days in July to hear evidence in support of the claimants' cases. Lord Mowbray contended that there was no Earldom of Norfolk at present, and he petitioned the Crown to call it into being in his favour as the senior of three co-heirs, Lord Petre and Lady Berkeley being the other two. The direct line of the Howards, according to his case, came to an end in 1777, and the Dukedom and other male titles went to a younger branch, while two nieces of a former Duke became co-heiresses of Thomas de Brotherton and of the title of the Earl of Norfolk. Lord Mowbray's petition was based on the claim that he was the heir of the elder niece, and Lord Petre of the younger. But as two co-heirs were equal to only one heir, the title was said to be in abeyance. The Duke of Norfolk opposed the petition on a number of grounds, of which the following were the most important:—(1) Because an English earldom did not fall into abeyance on the failure of the male issue, and there was no existing abeyance in the title of Earl of Norfolk consequent on the death of Lady Anne de Mowbray; (2) Because the title of Earl of Norfolk was granted to Thomas Howard, Earl of Arundel and Surrey, a common ancestor of the Duke of Norfolk and of Lord Mowbray, on June 6, 1644, and had descended to and was now held by the Duke of Norfolk. Lord Mowbray, in reply to the latter contention, argued that the 1644 creation was void, or was additional to the twelfth century earldom.

The Earl of Halsbury moved that the Committee report to the House that the claimant, Lord Mowbray, had not established his claim to the dignity in question. In doing so his Lordship said: It may be assumed that the claimant has satisfactorily established his pedigree, but in the course of it he is compelled to admit that he is not heir to the earldom created in 1135, but has to rely on a surrender of the earldom to the King, and a grant of the earldom so surrendered to Thomas de Brotherton in 1302. Now the claimant has undoubtedly proved his descent from Thomas de Brotherton, but the fatal blot in his case is that the surrender upon which he relies is invalid in law. It is settled law that no peer can disown or extinguish his honour, but that it descends unto his descendants neither by surrender, grant, fine, nor any conveyance. This has been repeatedly held to be the law for some centuries, and finally, in the report on the dignity of a peerage, it is stated that such must now be held to be the law. This is binding on your Lordships. Something was suggested by the learned counsel as to what law or what understanding of the law your Lordships ought to apply. I myself created such jurisdiction as is applicable to the law of England. Our duty is to the best of our ability to ascertain what the law is, and, having ascertained it, to give effect to it; to alter it or even modify it is the function of the Legislature and not of your Lordships' House. No stronger illustration of this principle can be given than when, so lately as 1819, the Court of Queen's Bench, with Lord Ellenborough presiding, gave itself an appeal of murder, and but for the intervention of an Act of Parliament some of His Majesty's Judges might have had to preside over a single combat between the appellant and his antagonist. I think Sir Robert Foully was correct in saying that the King's writ followed by a sitting in Parliament, of itself created a peerage, but assuming it did, it would not of itself create an earldom. An earldom was an office as well as a dignity, and the rank could not be conferred merely by the Sovereign addressing the peer by that title, even if it had been possible to create two earldoms for the same county. The somewhat archaic form which up to the present day accompanies the creation of an earldom shows the manner in which such a dignity can be created.

Lord Ashbourne, after tracing at some length the history of the earldom of Norfolk, said: The suggestion made—not very strenuously—in argument that the charter of 1312 might be regarded as conferring a new and independent earldom of Norfolk on Thomas de Brotherton, apart from the Bygod earldom, cannot, I think, be maintained by any fair construction of that document. If the surrender of the dignity by Roger de Bygod in 1302, prior to its regrent to Thomas de

Brotherton, was legal according to peerage law, then the earldom of Roger de Bygod was vested in the Crown, and could be regranted in any subsequent year to any other subject. But was it legally competent for an earl or any other peer to surrender or destroy his earldom or peerage? Can any peer, by his mere personal act, oust and kill the rights of those entitled in remainder—it might be his children, brothers, or near kinsmen? Roger de Bygod had a brother living in 1302, and other kinsmen are stated to have been subsequently in existence. Supposing a claimant should now appear, proving a clear descent from a Bygod entitled to the old earldom, what answer could either of the parties here make in opposition? The question really is narrowed to this, had Roger de Bygod the legal right to make a valid surrender of the earldom of Norfolk in 1302? The law on the subject does not now appear open to any doubt, and when ever the question came before your Lordships' House the opinions expressed gave no sanction to any contrary contention. It is not denied that the law is now clear, but it is urged that it is hard and unreasonable to apply it to such an early date as 1312; that it was not then known or declared. On the subject of hardness and unreasonableness, it is not unworthy of note that this is not a case of disturbing or upsetting a long possession. On the contrary, it is a claim to call a title out of abeyance after over four centuries. If the law is clear, how can we avoid applying it? In my opinion the claimant has failed to make out his case.

Lord Davey also delivered a written judgment, in which he agreed with Lords Halsbury and Ashbourne.

The Earl of Onslow, who presided over the Committee, put the question, and it was unanimously agreed to report to the House that Lord Mowbray had not made out his claim.

### THE EFFECT OF THE JUDGMENT.

One of our London correspondents writes:—

The decision of the Committee for Privileges on Lord Mowbray's claim to the ancient Earldom of Norfolk was not altogether a finished performance. Neither was it characterised by that research which marks the judgments of the Law Lords in earlier Peerage cases, and the reasons given by more than one of the Lords do not seem altogether conclusive. Nor was the language in all cases as precise as might be desired. But the law must now be taken as being not merely that no Peerage can be alienated or surrendered, but that the law of England has been so always. This is a large assumption, and inferentially declares that such surrenders in the earliest days of the feudal period were invalid. It implies also that that great King and law-giver, Edward I., was doing an absolutely illegal thing when in 1302 he accepted from Roger le Bigod a surrender of the ancient Earldom of Norfolk, created somewhere in the reign of Stephen. This decision hardly accords with modern notions of the wisdom and the juristic knowledge of "the English Justinian." The case, however, has been decided against Lord Mowbray, who, it is possible, will have won but for the intervention of the Duke of Norfolk. His Grace has no title in the Earldom of Norfolk of 1312, for of the Bigod Earldom, but by proving before the Committee for Privileges that the earldom of 1312, claimed by Lord Mowbray, never had any existence, he effectively defeated Lord Mowbray's claim. It is believed that although the Committee held that the Grey de Ruthin case is retrospective, there is a dictum of a learned Lord that a decision of the Committee for Privileges is not binding on subsequent Committees, even though the decision in both cases has to be taken on the same point. This would go a long way to support the argument of the Attorney-General last July, that the law is progressive, and that although the decision of the Committee for Privileges in the Grey de Ruthin case was declaratory of the law in the reign of Charles II., it could not be regarded as the law in the early periods of the constitutional development of this country, namely, in the reign of Edward I.

Lord Knutsford was the only lay peer who gave other than a silent decision yesterday, and Lord Knutsford, though a lay peer in the sense that he is not a Law Lord, is a barrister-at-law. Lord Dunboyne, who assented "sub silentio," is not only a barrister, but was for a long period a decisionist in the Supreme Court. Lord Knutsford's decision is believed to be the first lay peer's decision in a peerage case since the late Earl of Revesdale gave his decision in the Earl of Mar case. Lord Mowbray was not present when the decision was given yesterday afternoon, but Lord Estcourt followed the arguments of counsel intently from the first, was again watching the proceedings. The consequences of the decision are enormous. No costs are, however, given against this unsuccessful claimant in peerage cases, so that Lord Mowbray, the Duke of Norfolk, and the Crown will each have to pay a considerable sum.

EARLDOM OF NORFOLK.

Memorandum by the Lord  
Davey.

THERE is no doubt that a man cannot alien a title of honour either by surrender to the Crown or by grant to a subject. This is now settled law, and the reason is this, that it is a personal dignity which descends to his posterity and is fixed in the blood. In other words, he cannot by his own act alter or affect the status of his descendants. But it has been suggested that, although this is now recognised to be the law, it was not accepted or treated as law in the reign of Edward II., and that the grant of 1312 ought to be treated as valid, and effect given to it in accordance with the ideas of the fourteenth century, and not according to those which now prevail. This contention is based on a fallacy, and involves a complete misapprehension of the nature of the jurisdiction exercised by their Lordships in peerage cases. Whenever a Court or this House, acting judicially, declares the law, it is presumed to lay down what the law is and was, although it may have been misunderstood in former days, and this House is bound by its own declarations of the law in all matters within its jurisdiction. In fact, this House, exercising its judicial functions, has no jurisdiction or power to alter the law when once ascertained in a binding way. Accordingly, it will be found from an examination of the text of the resolutions of this House which are relied on, that the House intended to lay down a rule of law to be observed in all subsequent peerage proceedings.

The resolution in the Grey de Ruthyn case in the year 1640 was in these words:—

“That no peer of this realm can drown Collins.  
or extinguish his honour but that it p. 257.  
descends unto his descendants neither  
by surrender grant fine nor any other  
conveyance to the King.”

It may be observed, with regard to this resolution, that the question did not arise in the Grey de Ruthyn case, and the resolution was not necessary for the determination of that case. From an incidental remark in Lord

Shaftesbury's Judgment in the Purbeck case, it may be inferred with some probability, that the resolution was occasioned by the attempt of a noble lord in the previous year (1639) to bar his issue by a fine and procure a fresh grant to his son-in-law. But whatever may have been the occasion of it, the resolution has been accepted as law ever since.

The question directly arose and had to be determined in Viscount Purbeck's case in 1678. In that case the resolution of this House was as follows :—

Collins,  
p. 205.

“No fine now levied or at any time hereafter to be levied to the King can bar such title of honour or the right of any person claiming such title of honour or the right of any claiming such title under him that levied or shall levy such fine.”

This resolution speaks only of levying a fine, but I venture to remind their Lordships that a fine was the strongest mode of conveyance known to the law. It was a conveyance by record, and (subject to certain conditions as to proclamations and non claim) might even have, and was usually intended to have, a tortious operation. If a fine was not effectual *a fortiori*, a grant or any less binding conveyance would not be.

No lawyer can doubt that according to the true construction of these resolutions they are and are intended to be retrospective. And this point is brought out clearly, in the opinion of Lord Shaftesbury, in the Purbeck case, which, I think, the ruling one. A number of precedents to the contrary effect had been cited by the Attorney-General in argument (as they have been to their Lordships), including that of the surrender of the Earldom of Norfolk now in question. Lord Shaftesbury's comment was “So all his precedents passed sub silentio and “ never contested. If any of these surrenders “ had upon a dispute been adjudged good “ Mr. Attorney had offered your Lordships “ something.” On that ground he disregarded the ancient precedents. I think it impossible to treat these resolutions as laying down a new rule for the future only or meaning no more than “*fieri non debuit factum valet*.” That would be the office of legislation, not of judicial decision.

Collins,  
p. 205.

I ought to refer to the opinion of Mr. Justice Doddridge, expressed when advising the House in the Earl of Oxford's case in 1612. It is not, of course, an authority, but is valuable as evidence of the opinion of lawyers at that time. He says :—

Collins,  
p. 190.

“If a man be created Earl to him and his heirs all men do know that though he hath a fee simple yet he cannot alien or give away this inheritance because it is a personal dignity annexed to the posterity and fixed in the blood.”



The argument is thus summed up in the third Report on the Dignity of a Peer:—

“In the thirteenth Ed. I. a dignity 2 D. P., 46. vested in a man and the heirs general or special of his body seems to have been considered as capable of being surrendered to the crown as the dignity of Earl of Norfolk was surrendered by Roger Bygot to the King as after mentioned though probably a mere personal dignity created by patent and investiture and to which the third penny of the pleas of the County of Norfolk or an annuity in lieu was annexed and there are instances of such surrenders to the Crown in subsequent reigns though the resolution of the House in 1640 and the subsequent resolution in the Viscount Purbeck's case in 1678 have treated such a surrender generally as of no effect and such must now be deemed the law.”

It was argued by Sir Robert Finlay that the resolutions of 1640 and 1678 did not apply to the surrender by Bygot in 1312 because at that date the surrender did not affect the constitution of Parliament as a legislative assembly. I fear that I did not understand or properly appreciate the argument. For it seems to me to have no foundation in fact or law. Constitutional writers have differed whether the assemblies in the latter part of the reign of Henry III. or those in the earlier years of Edward I. ought to be considered as Parliaments in the modern sense, but nobody I suppose disputes that the Parliament of 1295 (23 Edward I.) at any rate was a fully constituted Parliament. And the effect of the surrender on the constitution of Parliament was precisely the same in the fourteenth century as it would have been in the seventeenth century. The argument, moreover, like another argument that has been used, involves a confusion between a right of peerage and a title of honour conferring a particular rank in the peerage. The argument to which I refer is that even if the surrender by Bygot was invalid, yet the grant to Thomas of Brotherton followed by his sitting in Parliament as Earl of Norfolk would confer the dignity of an Earl upon him and give him the status of an Earl.

I pass by the objection that this title by sitting in Parliament is not claimed in the claimant's petition and consider the argument on its merits. Historically, a right of peerage is a right to be specially summoned by name to Parliament, and when so summoned to sit amongst the Majores Barones. According to law we now understand that the heirs of a person so summoned and sitting are entitled to be summoned in like manner or (in modern language) have a right of peerage. But it has never been held that such a writ followed by sitting will confer title to any particular rank

*See Stubbs's Constitutional History, ch. xv., pl. 214, p. 233 of the third edition.*

in the peerage, which could only be done in the accustomed way. The writ followed by sitting would no doubt confer peerage on Thomas of Brotherton if he had it not before, but would not confer an earldom on him although he should have been summoned by that description. This point is dealt with at large in the Third Report on the Dignity of a Peer. The general conclusion they come to is that originally the Earls were summoned to Parliament because they were Barons and not because they were Earls, and that naming a person as an Earl in the writ of summons did not create him an Earl as in the case of the Norman Earls and Scotch Earls who were also Barons in England and were styled Earls in their writs of summons, but were not thereby created Earls of England.

See Vol. 2,  
pp. 116, 120.

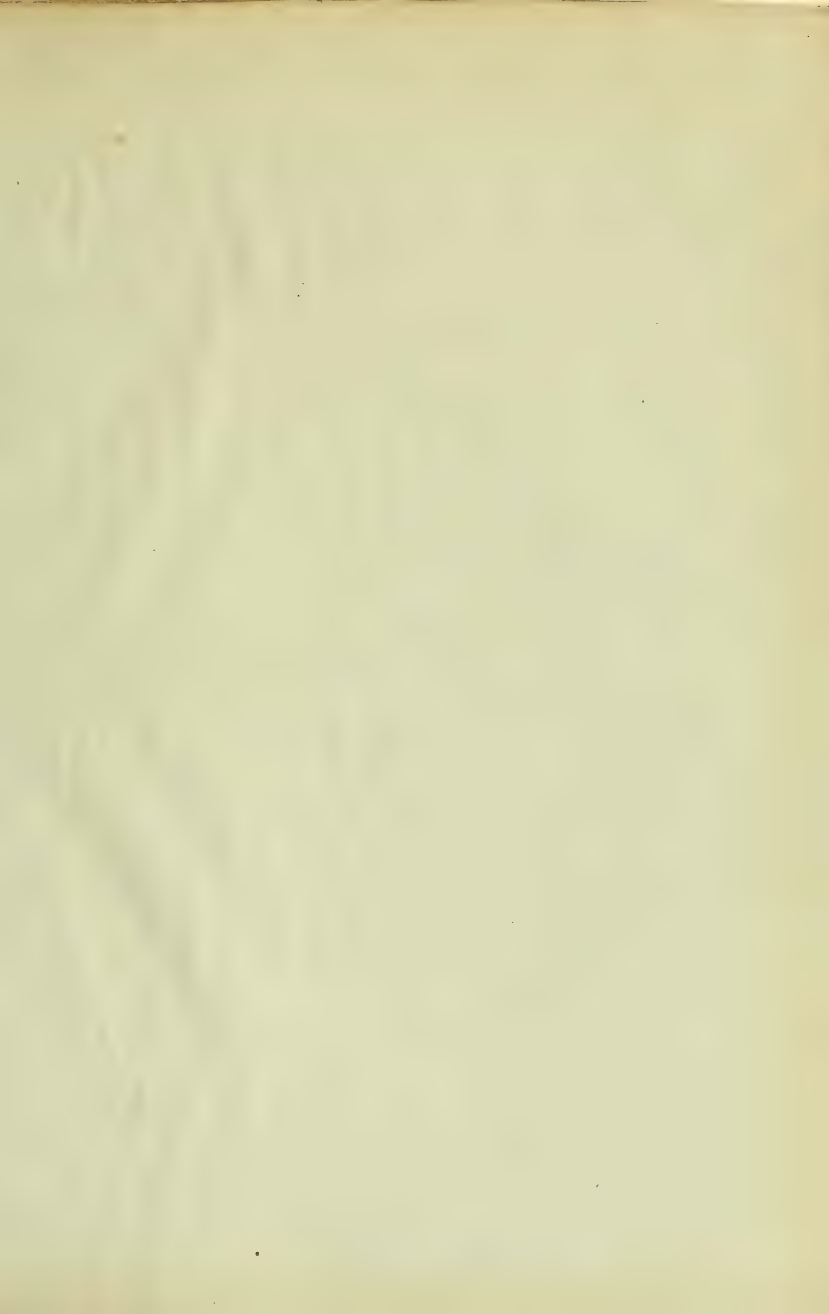
P. 227.

The law is thus stated in "Cruise on Dignities":—

"The King's writ of summons gives the person summoned a right to sit in Parliament. His rank and precedence is a matter merely collateral of which heralds take upon them to be judges in the first instance, and if any question arises upon the place given by the heralds, it is to be decided by the Lords of Parliament in the House of Lords as a matter of privilege, whereas the right of peerage itself the Lords have never judged but upon a reference from the Crown. When there is a doubt in what place a lord who brings a writ of summons should be ranked his writ of summons giving him an undoubted right of peerage and title to sit and vote in Parliament he is immediately admitted to some place *salvo jure* and the usage is afterwards to appoint a committee to consider of his precedence."

I have assumed throughout that the patent of 1312 was based on the surrender of the Earldom of Norfolk into the hands of the King, and, according to its true construction, purported to confer the Earldom previously held by Bygot on Thomas of Brotherton, and not to create a new Earldom. Indeed, it may be doubted whether, having regard to the original conception of an Earldom as an office, the lawyers of that day would have admitted the possibility of there being two separate Earldoms of the same county.

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Confidential.

Sess. 1906.—[H.L.]

EARLDOM OF NORFOLK.

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MEMORANDUM

BY

THE LORD DAVEY.

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## EARLDOM OF NORFOLK.

Opinion of the Lord  
Ashbourne.

LORD MOWBRAY claims that he is entitled to the Earldom of Norfolk, created by the Charter of 16th December, 6 Edward II., 1312. That Charter opens with the following words:—"The King to Archbishops, &c., greeting, Know ye that we have given, granted, and by this our Charter confirmed to Thomas de Brotherton, our very dear brother, all the right and honour and Lordship, which Roger de Bygod, formerly Earl of Norfolk and Marshal of England, had by the name of Earl in the County of Norfolk, and which came to the hands of the Lord Edward, (the first) of famous memory, formerly King of England, our father, by the grant, surrender, remise and quitclaim of the same Earl, and are in our hand, to have or to hold to the same Thomas and his heirs of his body lawfully begotten of us and our heirs, with all and singular things thereto belonging by whatsoever name they may be called as entirely as the aforesaid Earl had and held them on the day of the grant, surrender, remise and quitclaim aforesaid for ever."

The earldom that was granted to Thomas de Brotherton in 1312 was the earldom that had been held by Roger de Bygod and had been surrendered by him to King Edward I. in 1302. The suggestion made—not very strenuously—in argument that the charter might be regarded as conferring a new and independent earldom of Norfolk on Thomas de Brotherton, apart from the Bygod Earldom, cannot, I think, be maintained on any fair construction of that document. The fact that Thomas de Brotherton was repeatedly summoned to and sat in Parliament under the grant of 1312, cannot be considered as conferring any right to the earldom apart from the charter. No such case is advanced in his documents by the Claimant, who was probably advised that a writ of summons and subsequent sitting in Parliament may ennoble the blood and confer right of peerage, but would hardly be accepted as sufficing, of itself, to confer an earldom. The matter is fully discussed in the third report on Dignity of a Peer,

vol. 2, and Cruise on Dignities 228. Therefore a decision is primarily required on the legal construction and effect of the charter of 1312. Assuming the pedigree of the Claimant to be established (and it is not disputed), and that there is no constitutional or legal difficulty in applying the practice of calling out of abeyance to earldoms as well as to baronies (which it is not now necessary to discuss), has Lord Mowbray made out his claim to the Earldom of Norfolk granted to Thomas de Brotherton in 1312?

That earldom was the earldom of Roger de Bygod, as held by him at the date of its surrender to King Edward I. in 1302. If that surrender was legal according to peerage law, then the earldom of Roger de Bygod was vested in the Crown, and could be regranted in any subsequent year to any other subject. But was it legally competent for an earl or any other peer to surrender or destroy his earldom or peerage? Can any peer, by his mere personal act, oust and kill the rights of those entitled in remainder—it might be his children, brothers, or near kinsmen? Roger de Bygod had a brother living in 1302, and other kinsmen are stated to have been subsequently in existence. Supposing a claimant should now appear, proving a clear descent from a Bygod entitled to the old earldom, what answer could either of the parties here make in opposition?

This case was not put forward until his supplemental case by the Duke of Norfolk, but it was fully argued before your Lordships. It is manifest that Lord Mowbray never anticipated how this argument would be pressed against his claim, for in his supplemental case it is stated “a peerage of England is inalienable and cannot be sold resigned or relinquished.”

The question really is narrowed to this, had Roger de Bygod the legal right to make a valid surrender of the Earldom of Norfolk in 1302? The law on the subject does not now appear open to any doubt, and whenever the question came before your Lordships' House the opinions expressed gave no sanction to any contrary contention. In 1612 Mr. Justice Doddridge, in the Earl of Oxford's case, advised the House—“If a man be created an earl to him and his heirs all men do know that though he had a fee simple yet he cannot alien or give away this inheritance because it is a personal dignity annexed to the posterity and fixed in the blood.”

In the Grey de Ruthin case, in the reign of Charles II., a resolution of this House put the proposition with absolute clearness:—

“That no peer of this realm can drown or extinguish his honour but that it descends unto his descendants neither by surrender grant fine nor any other conveyance to the King.”

Collins,  
p. 190.

Report on  
Dignity of  
Peer, 25,  
3rd Rep.  
vol. 2.  
Collins,  
p. 257.

In 1678 the net question presented itself for decision in the Purbeck case, and the resolution of the House was distinct and unqualified. Collins, p. 205.

“No fine now levied or at any time hereafter to be levied to the King can bar such title of honour or the right of any person claiming such title of honour or the right of any claiming such title under him that levied or shall levy such fine.”

The House proceeded as if they were declaring clear law, and not as if they were laying down any novel proposition. The precedents of surrenders that had been cited, were brushed aside, as having passed *sub silentio*, and without contest. No case was then cited, and none was cited before us when this House gave any countenance to the contrary proposition.

It is not denied that the law is now clear, but it is urged that it is hard and unreasonable to apply it to such an early date as 1312, that it was not then known or declared.

On the subject of hardness and unreasonableness, it is not unworthy of note that this is not a case of disturbing and upsetting a long possession. On the contrary, it is a claim to call a title out of abeyance, after over four centuries.

If the law is clear, how can we avoid applying it? The law did not begin in 1612, or 1640, or 1678. It was suggested that although no date could be arbitrarily fixed for its starting point, may be it would be reasonable to say that it should not be applied until our parliamentary system was established. But even if that canon was laid down I do not think it would help Lord Mowbray, for it could not be urged that the condition suggested was not satisfied before 1302, the date of the surrender. What has been called “the model Parliament” met in 1295, and it is manifest that from that date, at all events, our parliamentary system must be regarded as established. See Stubbs’ “Constitutional History of England,” ch. 15, and the recent “Political History of England,” vol. III., ch. 10.

In my opinion the Claimant has failed to make out his case.



EARLDOM OF NORFOLK.

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OPINION

OF

THE LORD ASHBOURNE.

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EARLDOM OF NORFOLK.

Opinion of The Earl of  
Halsbury.

MY LORDS,

IN this case the Claimant seeks to establish his right to the Earldom of Norfolk, an Earldom created in the person of Hugh Le Bigod in 1135.

It may be assumed that he has satisfactorily established his pedigree, but in the course of it he is compelled to admit that he is not heir to the Earldom so created, but has to rely on a surrender of the Earldom to the King and a grant of the Earldom so surrendered to Thomas de Brotherton in 1312. The surrender was made in April 1312, and the grant to Thomas de Brotherton in the July following. Now the Claimant has undoubtedly proved his descent from Thomas de Brotherton, but the fatal blot in his case is that the surrender upon which he relies is invalid in law. It is settled law that no peer can disown or extinguish his honour, but that it descends unto his descendants neither by surrender, grant, fine, nor any other conveyance.

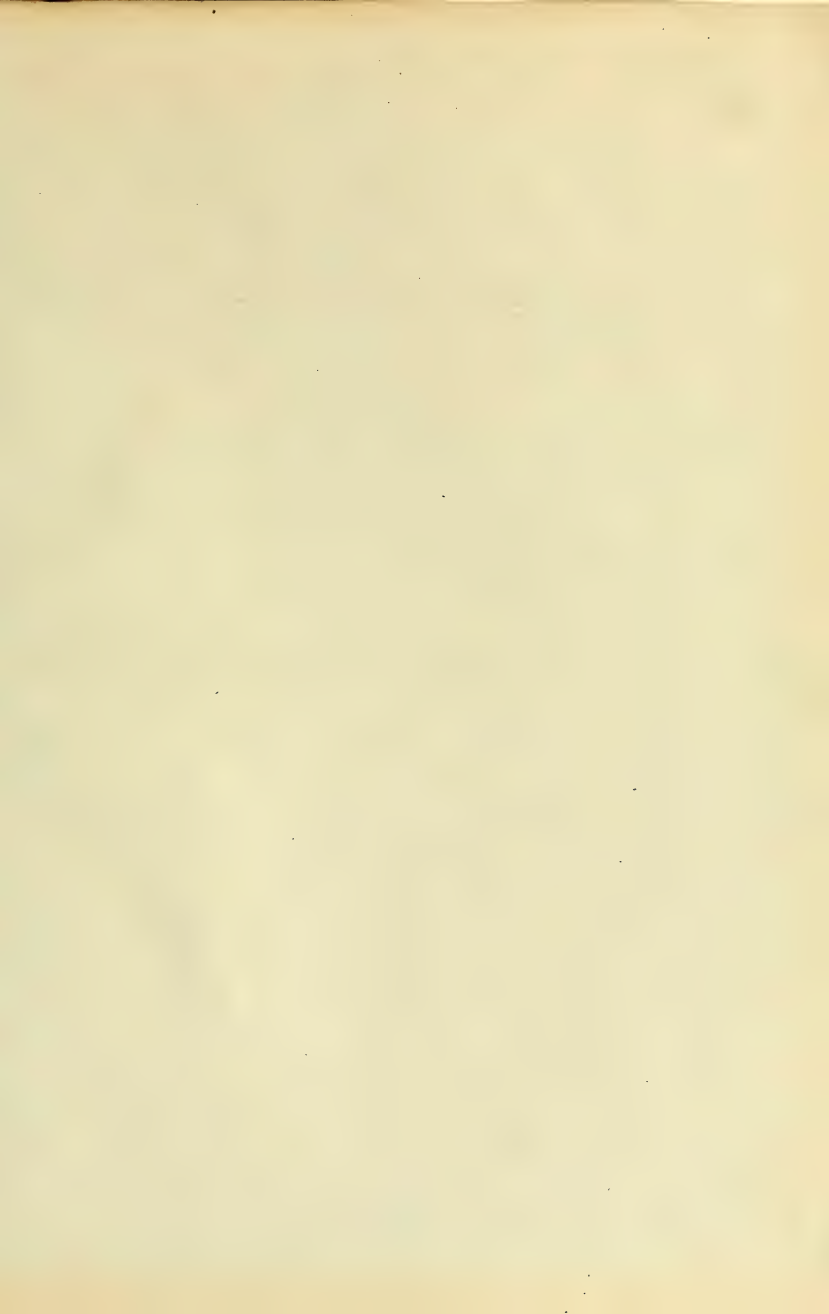
This has been repeatedly held to be the law for some centuries, and finally, in the report on the dignity of a peerage, it is stated that such must now be held to be the law. (Q.D.P., 46.)

This is binding on your Lordships. Something was suggested by the learned counsel as to what law or what understanding of the law your Lordships ought to apply. I know of no such jurisdiction as applicable to the law of England. Our duty is to the best of our ability to ascertain what the law is, and, having ascertained it, to give effect to it; to alter it or even modify it is the function of the Legislature and not of your Lordships' House. No stronger illustration of this principle can be given than when, so lately as 1818, the Court of Queen's Bench, with Lord Ellenborough presiding, felt itself compelled to allow a claim to wager of battle in an appeal of murder, and but for the intervention of an Act of Parliament, 59 Geo. III., cap. 46, some of His Majesty's Judges might have had to preside over a single combat between the Appellant and his antagonist. It is immaterial to consider whether Sir

Robert Finlay was right. I think he was correct in saying that the King's writ, followed by a sitting in Parliament, of itself created a peerage, because, assuming it did, it would not of itself create an Earldom. An Earldom was an office as well as a dignity, and the office was full of the heir of the Bigods, and the rank of an Earl could not be conferred merely by the Sovereign addressing the peer by that title even if it had been possible to create two Earldoms for the same county. The somewhat archaic form which up to the present day accompanies the creation of an Earldom shows the manner in which such a dignity can be created.

I move, your Lordships, that we report to the House that the Claimant has not established his claim to the dignity in question.

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Confidential.

Sess. 1906.—[H.I.]

EARLDOM OF NORFOLK.

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OPINION  
OF  
THE LORD HALSBURY.

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